FINAL REPORT

FOR THE VICTIMS OF CRIME MONITORING & EVALUATION STUDY, PRINCE EDWARD ISLAND

VOLUME I

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FOREWORD

This Final Report for the Victims of Crime Monitoring and Evaluation Study incorporates research findings from a series of victim surveys carried out between 1985 and 1987 and a comparison of these findings with results from the 1983 research conducted for the Study for the Planning of Victim Assistance Services on P.E.I., together with documentation of the work of the P.E.I. Committee on Victims of Crime.

Two separate reports highlight particular aspects of the victims of crime monitoring and evaluation study. The Report on Wife Assault and Sexual Assault, published in April, 1987, presents the findings and implications and discusses the implementation process concerning the wife assault and sexual assault components of the monitoring and evaluation study. The Report on the P.E.I. Committee on Victims of Crime, published in June, 1987, documents the activities, strategies, and process used to initiate improvements for victims of crime on P.E.I. between July, 1984, and June, 1987. This Final Report draws extensively on both these earlier reports.

Survey instruments used for the monitoring and evaluation study will be published in a separate volume.

Ellie Reddin Conway has been the principal researcher for the monitoring and evaluation study. Carol Mayne assisted with analysis and presentation of the findings from the surveys of general victims, commercial/institutional victims, and witnesses.

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I. INTRODUCTION

A. Background: The Study for the Planning of Victim Assistance Services on P.E.I.

In April of 1983, the Ministry of the Solicitor General commissioned Abt Associates of Canada to carry out the Study for the Planning of Victim Assistance Services on P.E.I. The conduct of this study was guided by the P.E.I. Department of Justice, the Research Division of the Ministry of the Solicitor General and the P.E.I. Committee on Victim Assistance (P.E.I.C.V.A.) P.E.I.C.V.A. membership included representatives of the R.C.M.P., the P.E.I. Department of Justice, the P.E.I. Department of Health and Social Services, Provincial Court (both Judges and Crown Prosecutors), the Transition House Association, the P.E.I. Rape and Sexual Assault Centre, the Federation of P.E.I. Municipalities, the Justice Resource Service and the Consultation Centre (Solicitor General).

The reports resulting from the Study for the Planning of Victim Assistance Services on P.E.I. were completed in March, 1984. Exhibit 1 is an excerpt from the report (Meredith, C. & Conway, E. The Study for the Planning of Victim Assistance Services on P.E.I., 1984, Vol. I, Executive Summary) outlining major findings regarding general victims, wife assault victims, commercial/institutional victims, and Crown witnesses and the general conclusion.

The Summary Report of the above-noted study was considered by Executive Council of Prince Edward Island and was released as a public document on June 22, 1984. The Minister of Justice was authorized by Executive Council to establish an implementation committee.

Exhibit 1. Major Findings & General Conclusion from The Study for the Planning of Victim Assistance Services on P.E.I.

MAJOR FINDINGS

Victims of general crime

- Among victims of property loss and damage crimes average values of loss/damage were generally low. The items most often reported stolen and/or damaged were motor vehicle parts and accessories, bicycles, and dwelling structures. Many but not all of these losses were covered by insurance. As an alternative recovery strategy, a majority of the victims interviewed (78%) expressed support for the concept of direct restitution by convicted offenders.

- Of the threat/attack victims interviewed, 48% reported being injured as a result of their victimization. Medical treatment was required in roughly half of these cases (typically emergency treatment only).

- The predominant emotional reactions to the reported crimes were anger and various expressions of nervousness and fear. A sizable proportion of the interviewed victims (16%) reported a need for someone to talk to about what happened to them. Of the victims interviewed, 87% were able to discuss the incident with their families and friends. A number of social agencies on P.E.I. are also available to provide counselling.

- One of the greatest needs identified by the study was that of providing more information to victims on services available to them. An agency inventory conducted as part of this study identified 25 agencies offering services of potential value to P.E.I.'s crime victims. Related data, however, indicated that awareness of these services was low both among victims, and among criminal justice and social services system personnel.

- The victim survey results indicated general satisfaction with the services provided by the police. Needs were, however, expressed for more information on case progress, more information on crime prevention measures and more information on other services available to help with their problems.

Victims of wife assault

- In anticipation of difficulties in contacting wife assault victims to interview, we used both police records and the generous assistance of the staff of Anderson House (a shelter for wife assault victims) to identify potential interviewees. Despite these extraordinary efforts, however, we were able to complete only 34 interviews with wife assault victims.

- Of the wife assault victims completing the first survey, fifteen (44%) reported that they were only threatened verbally while seventeen (50%) were either punched, kicked or slapped.

- Alcohol abuse was a frequently reported factor precipitating wife assaults.

- Victims were asked whether they were living with their assailant at the time of the incident, at the time of the first interview, and at the time of the second interview (if any). Of the 11 police-referred victims, only two (18%) were living with their assailants at the time of the incident; of these one left and stayed at Anderson House. Only one police-referred victim was still living with her husband at the time of the second interview. Of the Anderson House-referrals, 21 of 23 victims (91%) were living with their assailants at the time of the incident.

- For most of the wife assault victims interviewed, the reported incident was quite traumatic. Among the frequently reported reactions were: fear, anger, shaking and crying. As well, seven (21%) of the victims interviewed were physically sick or nauseous following the incident.

- The most frequently expressed need (91% of the victims interviewed) was for professional help for their assailants.

- Needs were also frequently expressed for someone to stay with the victims to provide company/security following the incident (76%), and for someone to talk to after the police left (62%). These two needs were met by family and friends in 95% and 81% of the relevant cases, respectively.

- Over 80% of the victims who sought shelter outside their own homes reported their need for emergency financial assistance during the period immediately following the incident.

- The most important practical need was for emergency shelter. Six of the 11 police-referred victims took shelter outside their home after the incident, even though only two of them had been living with their partner at the time.

- Information on legal procedures was needed by 25 of the 34 victims or 74%. Only 12 or 60% of these victims received the legal advice they needed.

- Of 27 victims who contacted the police concerning their problems, nine (33%) indicated they were very satisfied, 14 (52%) were satisfied, and four (15%) were not satisfied with the manner in which the police handled their calls.

Commercial/institutional victims

- The response to the commercial/institutional mailout survey was very enthusiastic, as evidenced by the 71% response rate.
- Of the survey respondents, 68% reported that some of their property was stolen, while 63% reported property damage (31% reported both).
- Only a small proportion of these losses due to property theft and damage were covered by insurance -- 9% were fully or partially covered.
- The commercial/institutional victims were generally very positive in their assessments of police performance.
- Suspects were identified in 47% of the cases surveyed. Charges were laid in two-thirds of these cases.
- Of those cases where charges were laid, only 9% required the victims to attend court as a witness. The average time commitment required of these individuals was roughly three hours.
- Restitution was ordered in almost half of those cases resulting in convictions. However, only half of these orders were reported as being enforced.
- Victim's property was recovered and held as evidence by the police in the cases of 14% of the survey respondents. The length of time this property was held varied from less than one month (11%), through 1-2 months (33%), and 3-4 months (33%) to more than 5 months (11%).
- Almost half of our survey respondents reported taking one or more crime prevention measures since the incident.
- Frequently offered opinons on how the police and courts could be more helpful in dealing with commercial victimization included suggestions that the police:

  - should keep victims better informed on case progress and outcomes,
  - should increase patrols in problem areas, and
  - should lay charges more often;

  and that the courts

  - should impose stiffer penalties,

- should increase the use of restitution,
- should better enforce restitution orders, and
- should make parents more responsible for the behaviour of their children.

Crown witnesses

- ► The average elapsed time between the crime and the conclusion of the trial was seven months.
- ► Over 98% of the witnesses interviewed indicated that they understood their requirement to appear in court as embodied in their subpoenae.
- ► Only 9% of the witnesses interviewed sought any legal advice or assistance for themselves. Typically, these individuals were the victims of the crimes being tried.
- ► Little evidence of witness intimidation was produced by the surveys.
- ► Only 10% of the witnesses had any contact with the Crown Prosecutor following completion of their trials. As a result, many (20%) were unaware of the outcome of the trial.
- ► 75% of the employed witnesses reported some salary loss (average $89) as a result of their requirement to attend court.
- ► Approximately one-third of the witnesses interviewed indicated that more advance information about court procedures would have been helpful to them.

In general, the data gathered in the course of this study indicated that major new initiatives were not required to meet the needs of crime victims and witnesses on P.E.I. Rather, the optimum approach sufficient to meet identified needs would involve certain changes in criminal justice system procedures, and improved integration and co-ordination of existing services. The only exception to this general finding concerns the needs of wife assault victims. While the data gathered for this study on the problem of wife assault reflected the experiences of relatively few individuals, it was apparent from these data that many of these people are in need of more positive support from the police and courts, as well as from society at large.

The following is a summarized list of the 21 recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. Recommendations #7-16 refer to wife assault victims and recommendations #17 and 18 refer to Crown witnesses.

1. Restitution should be ordered whenever possible, and ensure orders are enforced.
2. Prompt return of recovered goods by using photographs as evidence whenever applicable.
3. Consider compensation in P.E.I. for injured crime victims.
4. Police to provide case progress information to victims.
5. Police to provide crime prevention information.
6. Develop handbook of services available to victims so police can provide information.
7. Police should develop a system to identify and count all cases of wife assault.
8. Legislation (not proclaimed) which would have enabled police to remove alcohol abusers from their homes should be reviewed.
9. Review police response to wife assault complaints to ensure efforts are being made to assist victims.
10. Police, social workers, and other professionals should refer men who batter to the group counselling programme (Turning Point), and judges should consider as a sentencing option.
11. Stable and adequate funding arrangements should be made for Anderson House.
12. Police and social service staff should ensure a system of providing transportation to Anderson House.
13. Legal aid should be reviewed with consideration being given to the needs of wife assault victims.
14. Police to provide information regarding legal options and case progress information.
15. Charges should be laid promptly by police where sufficient evidence is present.
16. P.E.I. Department of Justice should work toward a satisfactory solution to wife assault regarding the Family vs. Criminal Court question.
17. A witness information brochure should be distributed with each witness subpoena.
18. Each subpoenaed witness should be sent a letter from the Crown Prosecutor informing them of the outcome of the trial and thanking them for co-operation.
19. Establish a working committee to integrate and co-ordinate the service network to victims of crime.

20. Consider P.E.I. as a test site for comprehensive police training to increase quality and services to crime victims.
21. Monitor and evaluate changes in procedures and services initiated as a result of the recommendations.

B. Formation of P.E.I. Committee on Victims of Crime

In order to implement the recommendations from the Study for the Planning of Victim Assistance Services on P.E.I., the Hon. George McMahon, at that time Minister of Justice for the Province of P.E.I., established the P.E.I. Committee on Victims of Crime by letter of invitation dated July 25, 1984. Section III of this report describes the work of the P.E.I. Committee on Victims of Crime from its formation through to June, 1987.

C. Initiation of Monitoring & Evaluation Study

Recommendation #21 from the Study for the Planning of Victim Assistance Services on P.E.I. states in full: "The impact of new procedures/services should be monitored and evaluated in terms of their effects on both victims and the criminal justice and social service systems." In conjunction with the provincial government's commitment to work towards implementation of recommendations from the Study through a committee process, Solicitor General Canada agreed to provide funding for research assistance to this innovative approach to victim services.

In January, 1985, Solicitor General Canada and the P.E.I. Department of Justice signed a contract for a monitoring and evaluation study. The purpose of this contract was to assist the P.E.I. Department of Justice and the P.E.I. Committee on Victims of Crime in:

1. monitoring, documenting, and reporting its efforts to implement recommendations for improving services to victims; and
2. researching the impact of the above efforts on victims and the criminal justice system as a whole.

Surveys conducted during the monitoring and evaluation study included the following: surveys of wife assault victims for incidents occurring between April 1, 1985, and September 30, 1986; surveys of sexual assault victims for incidents occurring between April 1, 1985, and November 30, 1986; surveys of general victims and commercial/institutional victims for incidents occurring between October 15 - December 15, 1985, and March 1 - April 30, 1987; follow-up surveys of wife assault, sexual assault and general victims whose cases were proceeding through the court process; surveys of Crown witnesses subpoenaed to appear before the court between September 1, 1986, and January 30, 1987; and a survey of front-line police officers conducted between October, 1986, and January, 1987. Key informant surveys were conducted through individual interviews with judges, Crown attorneys, and supervisory police personnel during June and July, 1985; and through group consultation with senior justice personnel and representatives of social agencies in November, 1986. All surveys were conducted on a province-wide basis. Only adult victims and witnesses (i.e., those over the age of 16 years) were contacted for interviews. For comparability purposes, questionnaires and survey methods used were similar to those designed for the Study for the Planning of Victim Assistance Services on P.E.I.

II. EXECUTIVE SUMMARY

Section III of this report describes the work of the P.E.I. Committee on Victims of Crime (Victims Committee) from its establishment by the P.E.I. Minister of Justice in July, 1984, through to its final meeting in June, 1987. The primary responsibilities included in the Committee's terms of reference were: to implement recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. (1984); and to develop and carry out a plan for the integration and co-ordination of available community resources for the benefit of victims of crime.

Membership on the Victims Committee included representatives of the following departments and agencies: Provincial Court, R.C.M.P. "L" Division, P.E.I. Association of Chiefs of Police, Department of Social Services, Interagency Committee on Domestic Violence, Federation of P.E.I. Municipalities, Chambers of Commerce, School Boards, P.E.I. Working Committee on Wife Battering, P.E.I. Department of Justice (Administration), Solicitor General Canada, and the Atlantic Police Academy. The Committee was chaired by the Director of Community & Correctional Services; executive assistance was provided by the Co-ordinator of the Justice Resource Service.

Activities & Strategies

As a first step towards implementing the 21 recommendations, the P.E.I. Committee on Victims of Crime initiated work plans which included: preparing and reviewing working pages outlining possible actions to be taken on each recommendation; proceeding first with those recommendations which would most quickly have an impact on victims; establishing sub-committees to deal with some of the recommendations; and planning to meet with key groups and individuals to acquire additional information and input regarding certain recommendations.

The Restitution Sub-committee dealt with recommendation #1 (ordering and enforcing of restitution orders); the Police Sub-committee with #3 (photographing evidence), #4 (police cards), and #20 (police training); and the Publications Sub-committee with #6 (directory of services) and #7 (witness brochure).

In May, 1985, the Victims Committee met with the Director of Prosecutions to discuss recommendations #1 (restitution), #2 (photographing evidence), #8 (protective legislation), #16 (wife assault cases in Provincial Court), and #18 (letter to witnesses); and with the Director of Legal Aid to discuss recommendation #13 (review of Family Legal Aid).

During the fall of 1985, the Victims Committee invited briefs from and met with representatives of the Transition House Association, P.E.I. Rape & Sexual Assault Crisis Centre, Turning Point Group, Alcohol & Drug Problems Institute, and Mothers Against Drunk Drivers. These meetings brought additional suggestions and information to the attention of the Victims Committee, as well as reinforcing some of the recommendations from the Study for the Planning of Victim Assistance Services on P.E.I.

In the spring of 1986, the Victims Committee held a series of public workshops across P.E.I. Objectives of the workshops were: to inform the public about the work of the Victims Committee; to provide an opportunity to discuss local issues with interested groups and individuals; and to build relationships and networking between the criminal justice system and the community. Each of the five workshops had a particular area of focus, i.e. break and enter, domestic violence, youth and vandalism, drinking and driving, and sexual assault. A final "wrap-up" session was entitled "Victims of Crime: A Challenge for the Future."

Through its efforts to implement recommendations and through input from special interest groups and the general public, the Victims Committee identified the need for staff resources to co-ordinate services for victims of crime, to fill gaps in services, and to establish and administer a criminal injuries compensation programme. After carrying out a Victim Assistance Feasibility Study during the spring and summer of 1986, the P.E.I. Department of Justice submitted a proposal to the Federal Department of Justice for the ten-month developmental phase of a Victim Assistance Programme. Funding was approved in April, 1987, and the developmental phase began in June, 1987.

In November, 1986, the Victims Committee held a Consultation with Senior Justice Personnel to discuss issues stemming from recommendations #8, 13, and 16, all of which pertain to wife assault victims. Matters discussed included the need for protection following assault incidents, improved access to legal services, and appropriate mechanisms in Family and Criminal Court to deal effectively with wife assault.

During the course of its activities, the Victims Committee submitted three reports to the P.E.I. Minister of Justice and representatives of the Committee met with the Minister on several occasions. These reports and meetings served to keep the Minister informed of the Committee's activities; to request action, e.g. policy directives, on some matters; and to obtain his guidance on the future direction of the Committee.

Structure & Roles

The membership of the P.E.I. Committee on Victims of Crime consisted of a diverse representation of interests, expertise, and knowledge. Positive effects of this mixture include increased communication, understanding, and awareness among members. On the other hand, the diversity of the group and the complexity of dealing with 21 wide-ranging recommendations slowed down the implementation process somewhat. The Committee experienced considerable turn-over in its membership. Maintaining momentum over the three-year period provided an additional challenge to the Committee. Much of the Committee's progress resulted from the initiatives of individual members and the work of the three sub-committees.

The roles of the Director of Community & Correctional Services (serving as Chairperson to the Committee), the Co-ordinator of the Justice Resource Service (providing executive assistance), and the researcher (monitoring progress and providing statistical information) were central to the work of the Committee. both during and between meetings.

Implementation of Recommendations

The following is a brief summary of actions taken to implement recommendations from the Study for the Planning of Victim Assistance Services:

#1 restitution - Additional research indicates that restitution is ordered when appropriate and restitution orders are enforced whenever possible. Court clerks are now paying restitution to victims in disbursements as received, rather than waiting until each order is paid in full. Probation Services has developed form letters to inform victims when restitution is ordered and the terms of payments.

#2 photographing evidence - Guidelines for photographing and returning recovered goods whenever possible have been developed and are now police policy across P.E.I.

#3 criminal injuries compensation - Compensation for victims of violent crime has been included as part of a Victim Assistance Programme, the developmental phase of which began in June, 1987.

#4 case progress information - Cards for police to give to victims to make it easier for them to obtain case progress information have been printed and distributed to R.C.M.P. and municipal police across P.E.I.

#5 crime prevention information - Additional research indicates that police are doing as much as possible in the area of crime prevention information for victims.

#6 handbook of services - A compact Directory of Services for Victims of Crime has been developed and distributed to police and other agencies dealing with victims of crime.

#7 identifying wife assault cases - The R.C.M.P. now code wife assaults separately from other assaults and municipal police file these cases separately.

#8 protective legislation for wife assault victims - The Victims Committee reviewed the proposed changes to the Mental Health Act which would have enabled police to remove alcohol abusers from their homes and agreed that this proposed legislation is contrary to the Charter of Human Rights. The Committee recognizes the need, however, for protection of wife assault victims from further harassment and abuse. This matter was discussed at the Consultation with Senior Justice Personnel in November, 1986. Several recommendations for protective mechanisms were subsequently carried forward to the P.E.I. Minister of Justice.

#9 review police response to wife assault cases - As part of the monitoring and evaluation study, interviews with wife assault victims were conducted between April, 1985, and September, 1986. Information collected included the victim's perception of the police response. Compared to the 1983 wife assault survey, there seems to be less hesitancy to call the police, regardless of whether the victim is living with the assailant or not, and less of a perception that police will not respond to domestic disturbances.

#10 referrals to Turning Point - Clients are now being referred to the assaultive men's group treatment program by the courts and social workers, but police are not yet making referrals. This situation should improve as the Turning Point committee strengthens its ties with police, particularly if it is able to secure funding to further develop and publicize the Turning Point program.

#11 funding for Anderson House - The Victims Committee indicated its support of this recommendation in a letter to the Minister of Health and Social Services dated December 27, 1984. The community continues to maintain a high level of financial support for Anderson House. The provincial government has approved sufficient funding for 1987-88, but the long-term financial situation is not yet stable.

#12 transportation to Anderson House - Social Services now has a policy of providing transportation to Anderson House, but this policy is not yet in writing and research indicates that most front-line police officers are not aware of it.

#13 review of Legal Aid - The Victims Committee is concerned that Family Legal Aid address the needs of wife assault victims in particular. In May, 1985, the Committee met with the Director of Legal Aid to discuss this matter. It was also discussed at the Consultation with Senior Justice Personnel in November, 1986. A revised recommendation for an independent review of Legal Aid was carried forward to the P.E.I. Minister of Justice in February, 1987.

#14 police to provide information to wife assault victims regarding legal options - The "What Battered Women Should Know About the Law" booklet and brochure have been distributed to all police detachments/departments and to other agencies which assist victims of wife assault. However, police have not been routinely distributing the brochure to wife assault victims. This finding suggests the need for a renewed effort to familiarize police officers with the brochure and encourage its distribution.

#15 police laying charges in wife assault cases - Police policy is to lay charges when there are reasonable and probable grounds to believe that an assault has taken place. Research findings suggest that in most cases, police are following this new policy.

#16 courts dealing with wife assault cases - This matter was discussed at the Consultation with Senior Justice Personnel in November, 1986. A number of issues are involved and several suggestions have been put forward. In response to a recommendation from the Victims Committee that cases involving personal injury be given priority consideration by the courts, the Minister issued a directive to Crown attorneys to deal with these cases as expeditiously as possible. The Victim Assistance Programme will also be helpful in improving communication and co-ordination between court levels and in providing information and support to victims of wife assault throughout the court process.

#17 information brochure for witnesses - A Guide for Witnesses has been developed, printed and distributed to court clerks and police for enclosure with all witness subpoenas.

#18 letter to witnesses thanking them and informing them of the outcome of the trial - This recommendation has met with mixed response from criminal justice personnel and has therefore not been implemented. Discussion led the Victims Committee to consider other witness needs, particularly standardization of witness fees, separate waiting areas in courthouses, and improved communication regarding rescheduling or change of plea in court cases. By working through the P.E.I. Association of Chiefs of Police and the Minister of Justice, the Victims Committee initiated the adoption of a standard witness fee structure across the province. The need for separate waiting areas was addressed in a letter to the Minister of Justice dated March 18, 1987, and is included in the Victim Assistance Programme, together with improved communication of information to victims/ witnesses.

#19 committee to co-ordinate services and to determine the resources necessary to maintain a network of services for victims - By working towards implementation of recommendations, the Victims Committee has made as much progress as possible towards integrating and co-ordinating services for victims, given the constraints imposed by its existence as a committee with no additional staff resources specifically allocated for co-ordinating or providing services. The Committee has determined the resources necessary to maintain a viable and effective network of services for victims and has developed a proposal for a Victim Assistance Programme based on this determination. The purpose of the Victim Assistance Programme will be to co-ordinate services to victims and to fill existing gaps identified by the Victims Committee through its work. Primary service activities will include: provision of information, emotional support, referral to needed services, assistance with financial reparation (including criminal injuries compensation), increased use of Victim Impact Statements, victim/witness services, and handling victim complaints. Co-ordinators of victim services will be based at the five courthouses across the province and will link together police and ccurt-based services. The province will be considering a victim surcharge system to assist with funding the programme.

#20 training of police officers - The Police Sub-committee has initiated discussions with the P.E.I. Association of Chiefs of Police regarding pilot-testing on P.E.I. of a Victim Response Course recently developed in Calgary.

Research Findings

Chapter IV of this report outlines the research methodology used for surveys undertaken during the monitoring and evaluation study. Chapter V presents findings from the surveys of general victims, wife assault victims, sexual assault victims, commercial/ institutional victims, and Crown witnesses. Findings from the surveys conducted between 1985 and 1987 are compared with findings conducted during 1983.

Findings and conclusions from the surveys of general victims are summarized as follows:

* The policy of using photographs as evidence whenever possible and returning victims' property as soon as possible seems to have been implemented by police on P.E.I. to quite a large extent.

* Findings suggest that, if a criminal injuries compensation programme were established on P.E.I., numbers of victims applying and average claim amount would not be large, but such a programme would assist some victims in receiving recompense for injuries inflicted as a result of crime.

- * In 1985 and 1987, police seemed to be making a greater effort to provide case progress information to victims, as compared to 1983.

- * Although most officers were issued police cards to give to victims so that they can contact the officer to obtain case progress information, these cards are not being used consistently.

- * Findings from the 1987 survey suggest that most victims expect the police to let them know what happened in their case.

- * Most victims in the 1987 survey who needed crime prevention information were given this information by the police.

- * Most police officers find the Directory of Services for Victims of Crime useful for referring victims to needed services.

- * For victims of property theft offences, the most common types of property stolen were motor vehicle parts and accessories, personal property (such as clothes, jewelry, and cameras) and cash.

- * In cases involving property damage, motor vehicles and dwellings or other buildings were most likely to have been damaged during the incident.

- * The findings suggest that most victims of property loss/ damage do not have adequate insurance to cover their losses.

- * The percentage of victims in the three samples who suffered physical injury as a result of their victimization ranged from 11% in 1983 to 18% in 1985 to 13% in 1987. The injuries most frequently reported were: 1) bruises, black eyes, and scratches; 2) cuts (other than knife wounds; and 3) broken bones or teeth knocked out.

- The percentage of physically injured victims requiring medical/dental treatment ranged from 25% to 62%. Few victims were required to stay overnight in the hospital as most received emergency treatment only.

- For general victims in all three surveys the most common immediate emotional response following the incident was anger (reported by at least 70% of the victims in each survey). The next most frequent immediate reaction was nervousness (reported by more than 30% in each survey).

- Anger and nervousness were also the most common lingering emotional effects, i.e. reactions which lasted several days or more following the incident.

- In most cases, victims discussed the incident with a family member or friend and this discussion was generally helpful to the victim.

- The majority of victims thought the offender should be required to make good directly to them for the harm done.

- In all three surveys, more than 60% of the victims thought that the police responded quickly, more than 90% said the police were polite and courteous, and more than 75% found the police were sympathetic to their situation.

- Most victims (approximately 75%) were either very satisfied or satisfied with the way the police handled their case.

- Suspects were identified in at least 35% of the cases; however, charges were laid in relatively few cases, primarily due to lack of evidence.

* Respondents in the 1987 survey were asked whether, if their case went to court, they would want to provide information for a Victim Impact Statement. Seventy-five percent indicated they would want to provide this information.

The following summarizes findings from the surveys of wife assault victims:

* The rate of reported cases of wife assault was lower in 1985/86 than in 1983; however, this seems to have been only a temporary change.

* In nine cases in the 1985/86 survey the police removed the assailant, instead of the victim (and children), from the home.

* A significantly lower proportion of wife assault victims (64%) in the 1985/86 survey (a decrease from 85% in the 1983 survey) took shelter outside their homes following the incident, a change possibly due in part to the police removing the assailant from the home in some cases.

* While the two samples were similar with respect to the percentage of victims living with their assailants at the time of the incident, a significantly higher proportion of victims in the 1985/86 sample called the police than in the 1983 sample, suggesting less hesitancy to report incidents even when the victim is still living with the assailant.

* As far as the victim knew, the assailant was referred to the Turning Point group treatment program (begun in 1984) in only 22% of the cases studied during 1985/86.

* Anderson House continues to provide essential services to many wife assault victims.

- For the majority of wife assault victims from both surveys who sought help from Family Legal Aid, adequate legal assistance was not provided.

- Police have not been routinely distributing the "What Battered Women Should Know About the Law" brochure to wife assault victims and most officers surveyed had not read it, indicating the need for a renewed effort to familiarize police officers with the brochure.

- There is no significant difference between the two samples of wife assault victims regarding the proportion of victims who were provided with case progress information.

- Compared to 1983, there seems to be progress, particularly by the R.C.M.P., toward implementing the policy of police laying charges in wife assault cases.

- Most officers surveyed (58%) indicated that they usually lay charges in wife assault cases rather than leaving it to the victim to lay charges, and most officers (67%) feel that police laying charges in wife assault cases is a good practice.

- Because of lack of data (in the 1983 survey) regarding wife assault victims' experiences in court, the two surveys cannot be compared in this respect, but for most victims in the 1985/86 survey whose cases went to court, the court process was long and difficult.

- The four victims in the 1985-86 survey who received assistance from staff Crown attorneys were either very satisfied or satisfied with the assistance they received.

- Forty-nine or 83% of the 59 cases in the1985/86 study involved repeated abuse.

- The frequency, time period, and extent of abuse varied widely from one situation to another.

- * Thirteen (22%) of the 59 victims required medical treatment following the incident discussed during the 1985/86 survey.

- * Forty-nine of the 59 victims (83%) were either not living with the assailant at the time or left following the reported incident.

- * In 21% of the cases in the 1985/86 survey and 29% of the cases in the 1983 survey, the children were also abused or threatened by the assailant.

- * The wife assault victims in both surveys suffered considerable traumatic effects, both immediate and lasting for a week or more.

- * A significantly larger proportion of victims in the 1985/86 survey (97% compared to 74% in 1983 survey) talked with a friend or relative about the incident, possibly indicating a changing attitude, i.e. that wife assault is not something to be kept hidden and not the victim's fault.

- * Most wife assault victims were able to get ongoing emotional support and counselling as needed, but some victims in both surveys did not receive sufficient emotional help.

- * A comparison of the 1983 and 1985/86 studies indicates no significant changes in the victims' perceptions of and satisfaction with the police response.

A summary of the findings from the sexual assault victims survey is as follows:

- In the fifteen cases studied, the seriousness of the crimes varied, but most included rape or attempted rape, often with violence.
- Emotional effects suffered by the sexual assault victims were severe and lasting.
- The sexual assault victims were generally satisfied with the treatment they received from medical staff.
- The victims who contacted the P.E.I. Rape and Sexual Assault Crisis Centre were satisfied with the assistance they received.
- Slightly more than half (53%) of the victims were acquainted with or related to the offender.
- Eight (53%) of the victims had been victims of similar incidents in the past, four of them by the same offender.
- Most of the victims felt that the offender deserved a prison sentence.
- Although a suspect was identified in eleven of the fifteen cases, the police laid charges in only six cases.
- Most victims were satisfied or very satisfied with the police response, but four (27%) were not.
- The court process is particularly stressful for sexual assault victims and often takes a long time.

Although the number of sexual assault victims interviewed was small, the findings clearly underline the special needs of these victims and the necessity of assisting them with compassion and understanding if they are not to feel that they have been victimized a second time by the criminal justice process itself.

Findings and conclusions from the commercial/institutional victims surveys are summarized as follows:

* Photographing of property as evidence has been occurring more frequently in 1987 than in 1983 or 1985 and the amount of time property is being held by the police appears to be reducing as well.

* The provision of case progress information continues to be an important need of commercial/institutional victims.

* Commercial/institutional victims in the 1987 survey were more frequently provided with crime prevention information than in the 1983 survey.

* Theft (including shoplifting), break, enter and theft, and property damage are the most frequent crimes reported by commercial/institutional victims.

* The most frequently stolen items were money, stereos and television sets while the most frequently damaged items were windows and doors.

* Although approximately half the victims in each of the surveys were not covered by insurance, the percentage of commercial/institutional victims who were fully insured increased from 6% in 1983 to 15% in 1985 to 18% in 1987.

* The number of incidents reported by each commercial/institutional victim each year, the insufficient insurance coverage, and the net loss from each incident indicate that criminal activity results in a financial burden for commercial establishments and institutions.

* Although suspects were identified in approximately 40% of the cases in each survey, charges were often not laid, primarily because of lack of evidence.

* The most frequent suggestions for improvement of the court process were the imposition of stiffer penalties and increased use of restitution.

* The vast majority of commercial/institutional victims in each survey found that the police responded quickly and were polite and courteous.

* All victims in the 1985 and 1987 surveys and 92% of victims in the 1983 survey indicated that they would report any future incidents to the police.

* A high percentage (73%) of 1987 victims compared to less than half of the 1983 and 1985 victims had implemented crime prevention procedures since the incident, indicating that an increasing number of commercial/institutional victims are attempting to protect themselves from future occurrences.

The following summarizes the analysis of the 1983 and 1987 surveys of Crown witnesses:

* Twenty-three of the 85 witnesses (27%) in the 1987 survey and 18 of the 81 witnesses (22%) in the 1983 survey were the victims of the crime in question.

* The Guide for Witnesses prepared by the P.E.I. Committee on Victims of Crime and Community Legal Information Association in 1985 was not consistently being attached to subpoenas at the time of the 1987 survey.

* Witness fees have been increased and standardized across the province so that most 1987 witnesses found that the witness fee was sufficient to cover their costs.

- Most 1987 witnesses received their subpoenas more quickly than 1983 witnesses but waited longer between the subpoena and the court date.
- Questions most commonly asked by witnesses of justice personnel (generally the police) before the court date concerned whether they would have to attend court and/or testify, about the subpoena, and about court procedures.
- The majority of witnesses in both surveys spent a half day or less at court.
- Approximately 20% of the witnesses in both surveys had to return to court a second time and most were given an explanation about why they had to attend again.
- The most common problems associated with court attendance were feelings of fear and/or confusion, a long wait before testifying, and waiting in the same area as the accused.
- In both the 1983 and 1987 surveys, approximately one-third of the witnesses expressed a need for more information, in particular an explanation of court procedures and a briefing on how to testify.
- For cases resulting in conviction, most witnesses in both surveys agreed with the sentence which was imposed.

Conclusion

During its three years of operation, the P.E.I. Committee on Victims of Crime has initiated a number of policy and procedural changes, has developed materials designed to assist victims/witnesses, and has contributed to an increased awareness of victims' rights and needs.

The tasks not fully completed by the Victims Committee have either been included in the proposed Victim Assistance Programme or are under consideration by the P.E.I. Association of Chiefs of Police or the P.E.I. Minister of Justice.

Committed people and good process are two essential factors which contributed to the achievements of the P.E.I. Committee on Victims of Crime. These factors resulted in: an effort to maximize input from other criminal justice personnel, community groups, and the general public; time for open discussion of attitudes and opinions; flexibility in adapting recommendations as new information became available; the use of sub-committees to carry out specific tasks; periodic review and updating of progress in implementing recommendations; consciousness of the province-wide scope of the Committee's activities; and an effort to learn what it could from the experiences of other areas of the country.

Factors which made the Committee's work somewhat difficult included: the lack of a time-frame or deadlines for completion of tasks; and the lack of a mechanism or staff resources to ensure that changes initiated by the Committee worked their way down through the system.

Research findings reflect some improvements in the criminal justice response to victims of crime during the time-frame of the monitoring and evaluation study, particularly in police practices of photographing evidence, providing crime prevention and case progress information, and laying charges in wife assault cases.

Chapter VI of this report includes a series of guidelines for others attempting to initiate improvements for crime victims by using a co-ordinating committee approach.

To conclude, the work of the P.E.I. Committee on Victims of Crime must be seen as part of an ongoing process to plan and implement improvements in the criminal justice response to victims of crime on P.E.I. The Committee has shown commitment, persistence, and flexibility and has, for the most part, accomplished what it set out to do.

III. P.E.I. COMMITTEE ON VICTIMS OF CRIME

A. Representation and Terms of Reference

The P.E.I. Committee on Victims of Crime was established by letter of invitation from the P.E.I. Minister of Justice dated July 25, 1984, to representatives of the following departments and agencies: Provincial Court, R.C.M.P. "L" Division, P.E.I. Association of Chiefs of Police, Department of Social Services, Interagency Committee on Domestic Violence, Federation of P.E.I. Municipalities, Chambers of Commerce, School Boards, P.E.I. Working Committee on Wife Battering, P.E.I. Department of Justice (Administration), and the Solicitor General Canada. (For list of membership see Appendix "A" attached.)

The Committee was structured to include representation from interest groups representing the types of victims as delineated in the research (general victims, commercial/institutional victims, wife and sexual assault victims), the various components of the criminal justice system and related agencies. In keeping with the province-wide scope of the Committee's mandate, representatives were sought from Summerside as well as Charlottetown. To facilitate communication regarding implementation of recommendation #20 (police training) from the Study for the Planning of Victim Assistance Services on P.E.I., representation from the Atlantic Police Academy was added following the Committee meeting of January 22, 1985.

The P.E.I. Committee on Victims of Crime (also referred to as the Victims Committee) has been chaired by Phil Arbing, Director of Community & Correctional Services, Department of Justice. Julie Dodd, and more recently, Jill Lightwood, Co-ordinator of the Justice Resource Service, have provided executive assistance to the Committee.

Terms of reference established by the P.E.I. Minister of Justice for the Victims Committee read as follows:

1. To implement, where possible, the recommendations contained in the Study for the Planning of Victim Assistance Services on Prince Edward Island.
2. To develop and carry out a plan for the integration and co-ordination of available community resources for the benefit of victims of crime.
3. To review, and include where appropriate, other studies/ reports relating to victims of crime (e.g., The Prince Edward Island Report to the Federal/Provincial/Territorial Working Group on Wife Battering and The Report of the Canadian Federal/Provincial Task Force on Justice for Victims of Crime).
4. To advise government, through the Minister of Justice, on issues related to victims of crime.
5. To prepare a progress report for the Minister of Justice every six months or as needed or requested.

B. Summary of Activities and Strategies

The Victims Committee held its first meeting on September 25, 1984, and meetings were held on a more or less monthly basis until June, 1987. After an initial review of the Study for the Planning of Victims Assistance Services on P.E.I. and other related national and provincial activities, the Committee reviewed and discussed each recommendation separately and in numerical order.

1. IMPLEMENTATION OF WORK PLAN

In order to sort and priorize recommendations, the Victims Committee decided to prepare working pages on each recommendation including columns for: possible short-term actions, other information required, possible longer-term actions, and comments. The working pages were intended to outline activity on each recommendation to date; to serve as a basis for Committee members to focus on and priorize their interests; and to serve as a basis for the Committee to establish a workplan.

Using these working pages as a planning tool at its meeting on February 26, 1985, the Victims Committee decided:

1. To proceed first with the recommendations which can most quickly have an impact on victims, e.g. police

card for case progress information, witness brochure, and directory of services;

2. To establish three Sub-committees, i.e. police, restitution and publications, to deal with specific recommendations; and
3. To decide what groups or representatives the Victims Committee needs to meet with and in what order.

To assist the Victims Committee with assessing progress to date and work remaining to be done, the working pages were updated for review at the Committee meeting of February 5, 1986. Exhibit 2 illustrates an example of both the original and updated versions of the working pages.

2. FORMATION OF SUB-COMMITTEES

The three sub-committees mentioned above (i.e. police, restitution, and publications) were formed to deal with specific recommendations which required further consideration or an action plan to ensure their implementation. The sub-committees functioned as working groups with members taking on specific tasks appropriate to their professional positions; for instance, since the representative from the P.E.I. Working Committee on Wife Battering was an employee of the Department of Education, she arranged to have the Guide for Witnesses grade-level tested by computer as part of her contribution to the work of the publications sub-committee.

The Restitution Sub-committee was formed specifically to deal with Recommendation #1, since many issues and questions around this recommendation had been identified. Members of this Sub-committee included the Chair of the Victims Committee, a Provincial Court clerk, the researcher, and representatives from the Federation of P.E.I. Municipalities and the Unit 3 School Board. The progress of the Restitution Committee towards implementing this recommendation is discussed further under Section III, D.

Exhibit 2. Examples of Working Pages

RECOMMENDATION #1: Restitution should be part of the sentences imposed in cases of property loss/damage whenever possible. Measures should also be followed to ensure that restitution orders are enforced.

a) Original Version: 1985

Possible short-term actions	Other information required	Possible long-term actions	Comments
- designate person and provide information to the courts (e.g. police/victim) - ensure crown requests restitution - improve phrasing of restitution on probation orders - inform victim of activity by distributing copies of court orders and correspondence	- is legislation adequate? - are there delays in collecting/ distributing restitution? - what are the effects of plea bargaining on restitution? - what costs should be included: actual damage or out of pocket expenses such as loss of work? - what is present level of restitution ordered/collected in P.E.I.?	- explore creative approaches for funding when offender unable to pay	

b) Updated Version: 1986

Information gathered to date	Other information required	Actions taken to date	Possible future actions	Comments
Data gathered on restitution paid out by Provincial Courts in Charlottetown, Georgetown, and Summerside during 1984 indicated: 1) 163 orders paid totalled approximately $43,000; 2) average order: $260.00; 3) range of orders: $5.00 to $2,600.00; 4) collection rate: approximately 80% of total amount; 5) most restitution orders are paid quickly, but 23% took between 2 and 3 years to collect; 6) in most cases, restitution was paid to the victim after the total amount had been collected by the Courts, except in Georgetown where it was paid to the victim in disbursements as it was received by the court.		restitution sub-committee discussed issues and problems around restitution; court clerks in all 5 courts agreed to pay out restitution to victims in disbursements whenever they receive payments from the offenders; - victims survey will determine whether this method is preferred by victims and will also gather more information on ordering of restitution	determine mechanism for informing victim when restitution is ordered - who will do this? also need to improve communication to victims about when case is coming before court and what information is needed to help ensure that restitution will be ordered; victim assistant could help co-ordinate communication between victim, police, and court.	

The Police Sub-committee consisted of representatives from the R.C.M.P. and the P.E.I. Association of Chiefs of Police, the Co-ordinator of the Justice Resource Service, and the researcher. This Sub-committee dealt with Recommendation #3 (photographing evidence) and #4 (police cards). This sub-committee was revived in 1987, with the Director of Community & Correctional Services replacing the Co-ordinator of the Justice Resource Service, to work towards implementing recommendation #20 (police training).

The Publications Sub-committee included the representative from the P.E.I. Working Committee on Wife Battering, the Co-ordinator of the Justice Resource Service, and the researcher, as well as the Executive Director of the Community Legal Information Association (not represented on the Victims Committee). The work of this Sub-committee resulted in printing and distribution of a Directory of Services for Victims of Crime (Recommendation #6) and a Guide for Witnesses (Recommendation #17).

3. MEETINGS WITH KEY INDIVIDUALS

At its meeting of February 26, 1985, the Victims Committee recognized that certain recommendations required the input and co-operation of key individuals within the criminal justice system if they were to be implemented. The key individuals identified were the Director of Prosecutions, the Director of Legal Aid, and the Provincial Court judges. The strategy the Victims Committee adopted was to invite these individuals to meet with the Committee.

On May 24, 1985, the Victims Committee met with Dick Hubley, Director of Prosecutions, and Kent Brown, Director of Legal Aid. Discussion with the Director of Prosecutions centred around Recommendations #1 (restitution), #2 (photographing evidence), #8 (protective legislation), #16 (wife assault cases in Provincial Court), and #18 (letter to witnesses). Discussion with the Director of Legal Aid concerned Recommendation #13 (review of family legal aid).

The Victims Committee invited the Provincial Court judges to meet with the Committee in order to gain their input on recommendations, particularly regarding the justice system response to family violence. The suggested date of June 14, 1985, was not feasible for the judges. Although further invitations were extended to the judges, a meeting was never successfully arranged. However, meetings of the researcher with the judges as part of the monitoring process provided some liaison between the judges and the Committee.

4. MEETINGS WITH SPECIAL INTEREST GROUPS

The Victims Committee recognized that some groups with a special interest in particular types of crime victims had not been invited to have representation on the Committee. This decision had been made in order to keep the Committee to a manageable size. Some of these groups (i.e. Transition House Association, P.E.I. Rape & Sexual Assault Crisis Centre, Turning Point Group, and the Alcohol and Drug Problems Institute) are part of the Interagency Committee on Domestic Violence and are thus somewhat indirectly represented on the Victims Committee through the Interagency Committee representative. Nevertheless, the Committee agreed that it would be helpful to have some direct input from each of the above-noted groups as well as Mothers Against Drunk Drivers, the P.E.I. Native Council, and the P.E.I. Association for the Mentally Retarded.

Each group received a written invitation to meet with the Committee and to present a brief. Background information on the Study for the Planning of Victim Assistance Services on P.E.I. and the work of the Victims Committee was included with the letters of invitation. The purposes of the meetings were stated as:

1. to discuss the groups' views and ideas on recommendations contained in the report, for the purpose of providing information that may be used in implementing the recommendations; and

2. to identify areas not addressed in the report which the implementation of recommendations may assist, or which may be included in a report to the Minister of Justice of gaps in services to victims of crime.

At its meeting on September 24, 1985, the Victims Committee heard briefs from three special interest groups: the P.E.I. Rape & Sexual Assault Crisis Centre, the Transition House Association, and Mothers Against Drunk Drivers. On November 15, 1985, the Committee met with a representative of the Turning Point Group and heard a brief from the Alcohol and Drug Problems Institute. Due to other priorities, the P.E.I. Native Council and the P.E.I. Association for the Mentally Retarded declined their invitations to present briefs.

The meetings with the above-noted special interest groups brought additional suggestions and information to the attention of the Victims Committee, as well as reinforcing some of the recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. Many of the suggestions from the special interest groups have been incorporated into the Committee's plans for a Victim Assistance Programme utilizing a co-ordinated approach to victim services (based on recommendation #19).

5. SERIES OF PUBLIC MEETINGS ACROSS P.E.I.

After discussion at several meetings about how and when to obtain input from the general public as well as giving local citizens, especially victims, a chance to air their concerns, the Victims Committee decided to hold a series of workshops across P.E.I. in the Spring of 1986.

Objectives of these workshops were:

1. To inform the public about the work of the Committee on Victims of Crime.
2. To provide an opportunity to discuss local issues with interested groups and individuals.

3. To build relationships and networking between the criminal justice system and the community.

Five (5) workshops entitled "Victims of Crime: Emerging Issues" were held, each with a special area of focus:

- West Prince - April 24 - Break & Enter
- Souris - April 29 - Domestic Violence
- Montague - May 12 - Youth & Vandalism
- Summerside - May 15 - Drinking & Driving
- Charlottetown - May 28 (afternoon) - Sexual Assault

In each community a local group sponsored the event and helped with the practical arrangements as well as identifying panel members. Information displays were provided by Community Legal Information Association. The same format was followed in each of the five workshops:

1. Welcome & Introduction - representative of co-sponsoring group
2. Overview of the Issue - Phil Arbing
3. Film: "Victims - A View from the Shadows"
4. The P.E.I. Experience - Ellie Reddin Conway
5. Local Panel Presentation: Police perspective, victim's perspective, community perspective
6. Refreshment Break
7. Discussion Period

Although an invitation was extended to individuals who might want to address the Committee in private, no one requested a meeting. Discussion following the panel was generally lively, however, and at several of the workshops members of the audience identified themselves as victims of crime.

The public meetings brought forth many suggestions, as well as positive feedback on implementation of recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. The following lists highlights of the discussion by the panelists and audiences, organized according to the focus of each workshop:

a) Break and Enter:

- should be more emphasis on apprehending thieves
- takes too long to bring offenders to court
- need more stringent measures
- police should have authority to search premises
- total costs of these incidents should be taken into account

b) Domestic Violence:

- shelter for women and treatment programmes for men needed in rural communities
- hospitals are a local resource which can assist victims of domestic violence
- compensation needed for victims of wife assault and sexual assault
- support needed for victims of family violence
- information about restraining orders needed
- confidentiality important to victims of domestic violence
- problem with attending Turning Point if licence has been revoked because of travelling required

c) Youth & Vandalism:

- lack of information to victim about restitution, civil suits, etc.
- costs of damage to service club over several years surprisingly high
- stress prevention with youth (e.g. drug/alcohol awareness)
- first time offenders should have opportunity to work in community
- victim/offender reconciliation programme would help
- need solutions for rural communities
- more outreach programmes for youth needed

d) Drinking & Driving:

- injustice towards family of victim of drinking and driving, no help available
- need compensation for victims of drinking and driving
- victims suffer large financial losses
- support concept of fine surcharge for victim services
- need stiffer sentences

- no place for victims/families to tell of the impact of the crime
- help offender but don't forget victim
- raise drinking age
- lower blood/alcohol level legally allowed

e) Sexual Assault:

- court process revictimizes child victims of sexual assault
- criminal justice process humiliating to victims of sexual assault
- victims need to be treated with dignity
- long-term recovery needs of victim must be considered
- sentences too short
- compensation needed for victims of sexual assault
- need pressure on court system to make necessary changes so that child's testimony can be heard
- need co-ordinated efforts
- court process needs to be changed
- needs to be more encouragement for the victim to come forward

A sixth session, "Victims of Crime: A Challenge for the Future," was held in Charlottetown on the evening of May 28, 1986. This session was intended as a final "wrap-up" to conclude the series. It was opened with remarks by the P.E.I. Minister of Justice and the panel included representatives of Solicitor General Canada, Department of Justice Canada, the Interagency Committee on Domestic Violence, and R.C.M.P. "L" Division. Highlights from this workshop follow:

f) Challenge for the Future:

- need to expand rights of victim without eroding rights of accused
- negative attitude of some victims towards criminal justice system is because of inadequate information, thus we need to pay more attention to dissemination of information to victims
- police need ongoing training re victims
- victims need place to discuss impact of the crime
- establish justice for victims as a basic principle

- implement victim surcharge
- use victim impact statements
- need community-based policing
- delays in court cases problem in wife assault cases, victims are often harassed
- range of sentencing options needed in wife assault cases
- need Island-wide services for victims of domestic violence
- need political will to prevent violence
- need emphasis on and funding for crime prevention

The audience for each workshop was approximately 20 people, except for the sexual assault workshop which was attended by approximately 40 people. Media coverage of each workshop, particularly by the local newspapers, expanded the number of people who had victims' issues and the work of the Victims Committee brought to their attention.

Evaluations completed by participants following each session rated the workshops good to excellent and the Victims Committee concluded that the stated objectives were achieved to its satisfaction.

6. VICTIM ASSISTANCE FEASIBILITY STUDY

One of the tasks of the Victims Committee, as stated in Recommendation #19 of the Study for the Planning of Victim Assistance Services on P.E.I. is to "integrate and co-ordinate available community resources for the benefit of crime victims" and "...determine the resources necessary to maintain a viable and effective network of services to meet the needs of P.E.I.'s crime victims." In its attempts to implement this and other recommendations in the Study, as well as through briefs presented to the Victims Committee by community groups (i.e., Transition House Association, P.E.I. Rape and Sexual Assault Crisis Centre, Turning Point Group, and Mothers Against Drunk Drivers), the Committee has repeatedly identified the need for staff resources to co-ordinate services for victims of crime.

Another recommendation from the Study which has required considerable deliberation by the Victims Committee is #2: "Consideration should be given to the possibility of establishing a means on P.E.I. to provide compensation for injured crime victims."

In January, 1986, the P.E.I. Department of Justice submitted a proposal which was accepted for funding by the federal Department of Justice to carry out a Victim Assistance Feasibility Study to explore and develop the concepts of:

a) victim assistant(s) linking together police and court-based services;

b) a criminal injuries compensation programme designed for P.E.I.; and

c) fine surtax as a possible means of funding victim services.

As part of the Feasibility Study, a Discussion Paper was prepared and circulated to the Victims Committee and criminal justice personnel for reaction, comments and suggestions. Feedback from this Discussion Paper was incorporated into a proposal for the ten-month developmental phase of a province-wide, system-wide victim assistance programme. The P.E.I. Department of Justice then submitted this proposal to the federal Department of Justice and it was approved for funding in April, 1987. For a description of objectives and proposed structures and activities of the victim assistance programme, see section III, D, 4. **Committee to Co-ordinate Resources** (#19).

7. CONSULTATION WITH SENIOR JUSTICE PERSONNEL

Through its efforts to implement recommendations from the Study for the Planning of Victim Assistance Services on P.E.I., the Victims Committee recognized that three recommendations (#'s 8, 13, and 16) formed part of larger issues concerning the treatment of wife assault victims by the criminal justice system and could not be dealt with adequately by the Victims Committee alone.

The Victims Committee decided to hold a Consultation with Senior Justice Personnel to discuss the following issues:

a) The need for protection of wife assault victims following an assault incident.

b) The need for improved access to legal services for wife assault victims.

c) The need for appropriate mechanisms in Family Court and Criminal Court to deal effectively with wife assault.

The purposes of the Consultation were stated as:

1) to examine these issues in the light of research findings, and

2) to consider possible solutions as a basis for further recommendations to the Minister of Justice.

Invitations to attend the Consultation were extended by the Deputy Minister of Justice to: Supreme Court justices, Provincial Court judges, Crown prosecutors, Legal Aid lawyers, senior probation officers, family counsellors from Family Court Division, clerks of the Court, Chiefs of the four municipal police departments, Chief Superintendent of R.C.M.P. "L" Division, president of P.E.I. Law Society, president of P.E.I. Branch of Canadian Bar Association, Deputy Minister of Department of Health and Social Services, members of the Victims Committee, and representatives of Transition House Association, Turning Point Group, and Community Legal Information Association.

The agenda for the consultation included presentations by the researcher and a response by resource persons on issues and findings related to each of the three recommendations. Opening remarks by the Minister of Justice stressed the importance of criminal justice personnel working together towards creative changes to benefit victims of crime, particularly victims of wife assault. Exhibit 3 is a copy of the agenda.

Consensus was expressed during the Consultation regarding the need for more resources in the justice system, more

Exhibit 3. Agenda for Consultation with Senior Justice Personnel

CONSULTATION WITH SENIOR JUSTICE PERSONNEL

November 17, 1986 - 1:00 - 5:00 p.m.

Agenda

OPENING REMARKS - Minister of Justice
Hon. Wayne D. Cheverie, Q.C.

1. Overview - Phil Arbing, Chairman — 30 minutes

    Welcome & Introduction
    Purpose of This Consultation Meeting
    Background on Victims Committee
    Explanation of the Process

2. How can we provide better protection to wife assault victims following an assault incident? — 30 minutes

    Research findings - Ellie Reddin Conway
    Response - Judy Haldemann
    Brainstorm

3. How can we provide improved access to legal service for wife assault victims? — 30 minutes

    Research findings - Ellie Reddin Conway
    Response - Beverly Mills Stetson
    Brainstorm

BREAK — 15 minutes

4. How can the Family Court and Criminal Court work towards appropriate mechanisms to deal with wife assault? — 30 minutes

    Research findings - Ellie Reddin Conway
    Response - Chief Justice Norman Carruthers
    Brainstorm

5. Small Group Discussion — 30 minutes

    Four (4) assigned groups with facilitator

    Refreshments available to pick up.

6. Small groups report back — 20 minutes

7. Victim Assistance Proposal - Ellie Reddin Conway — 15 minutes

8. Wrap up — 10 minutes

    Summary of proceedings
    Future plans re: Police Training
    Evaluation

public education, and victim assistance services. Presentations and discussion from the Consultation were compiled by the Co-ordinator of Justice Resource Service and used by the Victims Committee as a basis for recommendations in its Third Report to the Minister of Justice.

8. REPORTS TO THE MINISTER OF JUSTICE

The Victims Committee has submitted three reports of its activities to the P.E.I. Minister of Justice: the first covering the time period between the Committee's first meeting in September, 1984, through to April, 1985; the second providing an update for the time period of May, 1985, until January, 1986; and the third covering February, 1986, until January, 1987.

With the change in the government of Prince Edward Island in April, 1986, the Minister of Justice changed from Hon. George McMahon to Hon. Wayne Cheverie. In order to bring the new Minister up to date on the background to and activities of the Victims Committee, a nine-page summary report "P.E.I. Initiatives on Victims of Crime, 1984-1986" was submitted as background information and a meeting was arranged between the Minister and Committee representatives (the Chair, the Co-ordinator of Justice Resource Service, and the researcher). Purposes of this meeting held on August 4, 1986, were to obtain the Minister's guidance on the following matters: implementation of some recommendations, particularly #'s 8, 13, and 16; the Victim Assistance Programme proposal, particularly administration of criminal injuries compensation, victim surcharge as a funding mechanism, and proposed programme structure; and the continuation, focus, and possible future activities of the Victims Committee.

The Minister's direction was that the Committee continue with its activities, particularly that it proceed with a meeting with justice personnel and related agencies on issues related to recommendations #'s 8, 13, and 16, with a view to bringing forward further recommendations to him on specific steps which he could take; that it initiate a plan for province-wide police training on matters related to victims of crime; and that it proceed with its proposal for a province-wide combined Victim Assistance/Criminal Injuries Compensation programme to be administered by the Department of Justice.

Following the Consultation with Senior Justice Personnel in November, 1986, the Victims Committee brought forward seven recommendations in its Third Report to the Minister of Justice (February, 1986 - January, 1987). These recommendations are listed in Exhibit 4. The Minister met with the Chair of the Victims Committee and the researche on March 30, 1987, to discuss these recommendations and possible actions.

C. Discussion of Structure & Roles within Committee

1. STRUCTURE

An examination of the list of members of the P.E.I. Committee on Victims of Crime (see Appendix A) reveals a diverse representation of interests, expertise, and knowledge. This heterogeneity within the Committee resulted from an intentional attempt to include interest groups representing different types of victims, the various components of the criminal justice system, and related agencies. On the positive side, such a mixture has increased communication and understanding of the various viewpoints represented, has broadened members' knowledge of the criminal justice system, and has raised awareness of how crime victims are dealt with by that system. The Committee has provided a forum for (sometimes contentious) discussion and, to some extent, an examination of the beliefs and working assumptions of individuals serving in various roles.

Exhibit 4. List of Recommendations from the Third Report to the Minister of Justice

1. that the Minister of Justice review the policy requiring police to lay charges in cases of wife assault with a view to reinforcing a consistent application of the policy.

2. that when an accused batterer is arrested and held temporarily certain conditions be placed on the accused (by the courts on request of the Crown) before a pre-trial release.

3. that the Minister of Justice investigate the possibility of emergency protective legislation.

4. that the Minister of Justice review the Family Law Reform Act with special regard to the definitions of spouse and matrimonial home.

5. that the Minister of Justice develop a policy urging Crown Counsel to implement practices that will ensure that cases involving victims receive priority consideration, especially when personal injury or loss is experienced and keeping in mind the special needs of wife assault and sexual assault victims.

6. that the Minister of Justice undertake an independent review of legal aid with a view to developing a more comprehensive approach to legal aid services.

7. that the Minister of Justice bring before Policy Board the concept of a Victims Assistance Program and the need to continue further joint efforts toward the objective of meeting the needs of victims of crime in the province.

On the other hand, the diversity of the group, together with the difficulty of dealing with twenty-one (21) recommendations in an organized manner, meant that the Committee took a while to "gel" and get down to work on the task at hand. Especially at first, members of the Committee often got sidetracked into expressing opinions about complex issues such as the causes and effects of wife assault or discussion of matters somewhat peripheral to victims' needs and concerns.

Overall, much of the progress of the Committee has resulted from individual members taking on particular tasks according to their professional roles and interests and seeing these through. Formation of sub-committees has facilitated this process; sub-committees have generally functioned as working groups meeting around specific recommendations. Progress reports from the three sub-committees (restitution, police, and publications) were included as regular agenda items at Victims Committee meetings.

During the three years since the Committee's formation, changes in personnel resulted in considerable turnover in Committee membership, as illustrated by Appendix 'A.' Continuity was therefore somewhat difficult to maintain. Meeting attendance by some members was sporadic and generally decreased over the three years, while others were regular attenders and contributors. It is not surprising that the momentum was difficult to maintain over this length of time.

The difficulty of dealing with twenty-one (21) recommendations has already been mentioned. Not only did the Committee need time to deliberate how best to approach so many recommendations, periodic review and updating of the working pages on each recommendation was required so that some were not forgotten while concentrating on others. The recommendations were not only numerous but wide-ranging and additional suggestions were brought forward through the Committee process of seeking input from other criminal justice personnel, special interest groups, and the general public. Keeping tabs on all the matters at hand required good management and planning.

2. ROLE OF THE DIRECTOR, COMMUNITY & CORRECTIONAL SERVICES

Phil Arbing, Director of Community & Correctional Services (formerly Director of Probation and Family Court Services) served as Chair of the P.E.I. Committee on Victims of Crime. The factors mentioned in the previous section (number and range of recommendations, heterogeneity and turnover of Committee membership, varying levels of attendance and commitment among members, lengthiness of the process) meant that the Chair had to maintain a balance between focussing on the recommendations while permitting open discussion, getting on with the work while keeping the Committee updated on all recommendations, and serving as impartial Chair while providing information and a perspective gained by his own experience and knowledge.

The Chair assisted and guided the work of the Committee between meetings, primarily in two ways: 1) by initiating changes in the practices of the staff he supervises, and 2) by initiating policy changes through his access to the Minister and Deputy Minister of the P.E.I. Department of Justice.

3. ROLE OF THE CO-ORDINATOR, JUSTICE RESOURCE SERVICE

The Justice Resource Service is an information and consultation programme of the P.E.I. Department of Justice, with funding assistance from Solicitor General Canada. Between October, 1982, and March, 1987, victims of crime, domestic violence, and public education were the primary foci of the Justice Resource Service. As of April, 1987, the focus changed to community crime prevention, particularly regarding youth, family violence, and drinking and driving. Julie Dodd served as Co-ordinator of the Justice Resource Service for the first three years; Jill Lightwood is the current Co-ordinator.

While the Chair provided direction and decision-making power to the Victims Committee, the Co-ordinator of the Justice Resource Service provided executive assistance, including taking minutes, assistance with planning agendas, chairing the Police and Publications Sub-committees, drafting letters, preparing reports to the Minister of Justice, and gathering information as requested by the Victims Committee or sub-committees. In addition, the Co-ordinator of the Justice Resource Service organized the series of six public meetings on victims described earlier, including publicity, contacting speakers and local co-sponsoring groups, arranging spaces and times, etc.

Much of the organizational work necessary to the fulfillment of the Victims Committee mandate was carried out by the Co-ordinator of the Justice Resource Service. It is fortunate that the timing and focus of the Justice Resource Service coincided with the work of the Victims Committee. Without the Co-ordinator's assistance, the progress towards implementation of the recommendations would have been much slower and the Committee's work much more difficult.

4. ROLE OF THE RESEARCHER

The researcher provided regular verbal progress reports on the monitoring and evaluation study at Committee meetings as well as written reports when appropriate. A nine-page Summary of the Second Progress Report was distributed to the Committee following the survey of key informants conducted during the summer of 1985; this summary report was discussed at the Victims Committee meeting of September 10, 1985. The Preliminary Report (February, 1985 - June, 1986) was circulated to the Committee and findings from surveys included in that report (general victims, commercial/institutional victims, wife assault victims, and sexual assault victims) were discussed at the Victims Committee meeting of September 18, 1986. Findings from the Preliminary Report were also used in presentations to the Consultation with Senior Justice Personnel (November, 1986) and in the Victims Committee's Third Report to the P.E.I. Minister of Justice (February, 1986 - January, 1987).

Additional information distributed to the Victims Committee included: 1) six case studies of wife assault situations based on interviews conducted with victims. These were provided to assist members of the Victims Committee in understanding the complexity and particular difficulties involved in wife assault situations; 2) a summary table of a review of restitution paid out by three (3) of the Provincial Court locations during 1984. This review was conducted because of the number of questions and issues arising out of Recommendation #1 regarding the ordering and enforcing of restitution; 3) an information sheet on witness fees outlining findings from the Study for the Planning of Victim Assistance Services on P.E.I. regarding costs and payments to witnesses, the legislative basis for witness fees, and current practices on P.E.I. This information was gathered because, although witness fees were not addressed as a recommendation in the Study, disparity of payment levels and lack of a coherent policy were identified as issues by the Victims Committee.

The researcher attended all meetings of the Victims Committee and assisted on the three Sub-committees (police, publications, and restitution). The researcher viewed sub-committee work as a necessary part of the monitoring study for two reasons: 1) in order to maintain a record of the process of implementing recommendations, including committee decisions and rationale, as specified in the contract for the monitoring study; 2) to serve as a resource to the Victims Committee and Sub-committees. Because of the special emphasis on wife assault and sexual assault victims in the monitoring study, the researcher also continued to attend meetings and participate in the activities of the Interagency Committee on Domestic Violence.

The researcher was called upon to make presentations on the research efforts on several occasions and was also interviewed several times by the media. These occasions helped to publicize the research and the work of the Victims Committee. Presentations included:

1) "Victims and the Criminal Justice System," together with Julie Dodd, Co-ordinator of the Justice Resource Service, on September 30, 1985, in Summerside, P.E.I., as part of the "Women and the Law" Lecture Series sponsored by the East Prince Women's Information Centre;

2) "Sexual Assault from the Victim's Perspective," together with representatives of the P.E.I. Rape and Sexual Assault Crisis Centre, a workshop session at the Annual Conference of Atlantic Provinces Criminology and Corrections Association, November 4-6, 1985;

3) "Victims of Crime" evening lecture on Wednesday, February 19, 1986, as part of the Criminal Justice System Lecture Series co-sponsored by the Department of Extension, University of Prince Edward Island, and Community Legal Information Association;

4) "The P.E.I. Experience," 20 minute presentation at each of the five (5) Victims of Crime workshops held across P.E.I., Spring, 1986, varied to emphasize the relevant recommendations and findings according to the theme of each workshop;

5) a presentation on wife assault to a class of cadets at the Atlantic Police Academy on October 9, 1986, together with representatives of the Transition House Association;

6) three presentations at the Consultation with Senior Justice Personnel, November 17, 1986;

7) "Victims of Crime" session as part of the You and the Law course at Hunter River Community School, February 16, 1987;

8) presentation to P.E.I. Association of Chiefs of Police, April 16, 1987, including an update on the monitoring and evaluation study, a summary of findings from the wife assault and sexual assault surveys, an overview of the proposed victim assistance programme, and an introduction to a Victim Response Course being considered for use with police training.

D. THE PROCESS OF IMPLEMENTING RECOMMENDATIONS

1. General & Commercial/Institutional Victims (#'s 1-6)

> **Recommendation #1: Restitution should be part of the sentences imposed in cases of property loss/damage whenever possible. Measures should also be followed to ensure that restitution orders are enforced.**

This recommendation resulted in considerable discussion at early meetings of the Victims Committee. Issues around restitution brought up at the Committee meeting of October 22, 1984, included:

1. adequacy of legislation (proposed changes to Criminal Code),
2. whose function to provide information to the Court (police/victims),
3. delays in collecting/distributing restitution,
4. ensuring crown requests restitution,
5. phrasing of restitution on probation order,
6. with or without interest,
7. willful default or circumstantial default,
8. civil remedies/small claims court,
9. creative approaches for funding when offender unable to pay (e.g. unsatisfied judgment),
10. informing the victim of what is happening including distribution of copy of court decision/order,
11. effects of plea bargaining,
12. length of time to get to court, and the numbers police deal with over several months (may go to bottom of priority list),
13. actual damage or out of pocket expenses (e.g. loss of work time) or cost to taxpayer.

At the meeting of the Victims Committee held on February 26, 1985, a sub-committee was struck to deal with this recommendation. Members included: Phil Arbing, Department of Justice; Joe Coady, Federation of P.E.I. Municipalities; Eric Ellsworth, Unit #3 School Board; Dorothy Kitson, Provincial Court Clerk; and Ellie Reddin Conway, Researcher.

The first restitution sub-committee meeting was held April 18, 1985. Input from Dorothy Kitson, Provincial Court Clerk, answered questions around most of the issues noted above.

The sub-committee concluded that the real problem may be lack of information to victims rather than insufficient ordering or enforcement. However, the sub-committee agreed that it required some statistical information about the ordering and enforcing of restitution before it could decide what actions, if any, to take.

Information from the Study for the Planning of Victim Assistance Services on P.E.I. was sketchy. Only the survey used with commercial/institutional victims included questions about ordering and enforcing of restitution. From the sample of 71 cases (all concerning property offences) thirteen resulted in convictions. According to the victims surveyed, restitution was ordered in six (40%) of these thirteen cases and enforced in three (50%) of the six cases. (Possibly, restitution payments in the other three cases may have been received after surveys were completed.)

Because of the expressed need for more information, the researcher agreed to gather statistics on restitution paid out by the Provincial Courts during 1984. Data gathered from the court clerk's records included information about the amounts and numbers of restitution orders, the time lapse between ordering of restitution and receipt by victim, and the types of offences which resulted in restitution orders. Due to time limitations, the Souris and Alberton Courts, which have smaller caseloads, were not included. Exhibit 5 summarizes the information collected.

Exhibit 5. Summary: Restitution Paid Out by Provincial Courts in Charlottetown, Georgetown, and Summerside during 1984

	Charlottetown	Georgetown	Summerside	Total
1. Total restitution paid out during 1984	$11,405	$7,430	$24,264	$43,100
2. Number of restitution orders paid out	55	27	81	163
3. Average restitution payment	$207	$275	$300	Overall Average $260
4. Smallest payment	$7	$5	$10	$7
5. Largest payment	$2,609	$1,500	$1,861	$1,990
6. Written off due to non-payment or still outstanding				
Amount:	$1,192	$3,747	$3,221	$8,162
Number of cases:	4*	9	7	20
7. Paid orders:				
Under $100	26 (47%)	10 (37%)	34 (42%)	70 (43%)
$100 - $200	11 (20%)	11 (41%)	20 (25%)	42 (26%)
$200 - $500	15 (27%)	0	16 (20%)	31 (19%)
$500 - $1,000	2 (4%)	3 (11%)	4 (5%)	9 (6%)
$1,000 +	1 (2%)	3 (11%)	7 (8%)	11 (7%)
8. Length of time between conviction date and full payment to court:				
Less than 1 month	11 (20%)	12 (44%)	16 (20%)	39 (24%)
1 - 2 months	3 (5.5%)	4 (15%)	6 (7%)	13 (8%)
2 - 6 months	13 (24%)	4 (15%)	24 (30%)	41 (25%)
6 months - 1 year	9 (16%)	1 (4%)	15 (19%)	25 (15%)
1 - 2 years	12 (22%)	2 (7%)	7 (8%)	21 (13%)
2 - 3 years	4 (7%)	0	12** (15%)	16 (10%)
Other: paid direct to victim	3 (5.5%)	0	1 (1%)	4 (2.5%)
still partly outstanding	--	4 (15%)	--	4 (2.5%)
9. Length of time between full payment received by court and sent out to victim:				
Less than 1 month	37 (67%)	27 (100%)	45 (56%)	109 (67%)
1 - 2 months	12 (22%)	0	27 (34%)	39 (24%)
2 - 3 months	1 (2%)	0	6 (7%)	7 (4%)
3 - 4 months	0	0	1 (1%)	1 (1%)
4 - 5 months	0	0	0	
5 - 6 months	0	0	1 (1%)	1 (1%)
Other: sent in disbursements	2 (4%)	all applicable cases	0	--
paid direct to victim	3 (5%)	0	1 (1%)	4 (3%)

	Charlottetown	Georgetown	Summerside	Total
10. Charges resulting in restitution orders:				
Not stated	52	0	30 (37%)	
Mischief (387CCC)		9 (33%)	22 (27%)	
Damage (388CCC)		1 (4%)	5 (6%)	
Theft, fraud, etc. (294, 320, 338CCC)		0	12 (15%)	
Break and Enter (306CCC)		16 (59%)	7 (9%)	
Assault (245CCC)		0	2 (2.5%)	
Causing disturbance (171CCC)		0	2 (2.5%)	
Possession (312CCC)		1 (4%)	0	
UIC Act (121)		0	1 (1%)	

* Same offender in 3 cases

** Same offender

As Exhibit 5 illustrates, during 1984, 163 restitution orders totalling approximately $43,000 were paid out to victims by the three courts. The collection rate was approximately 80% of the total amount and most restitution orders were paid quickly, but 23% took between one and three years to collect. In most cases, restitution was paid to the victim after the total amount had been collected by the courts, except in Georgetown where it was paid to the victim in disbursements as it was received by the Court. The charges most frequently resulting in restitution orders included: mischief; break and enter; theft, fraud, etc.; and damage to property.

The researcher also discussed the ordering and enforcing of restitution with Provincial Court Judges, Crown attorneys, and supervisory police officers as part of a key informants survey during the summer of 1985. Based on the court data collected and the key informants survey, the Victims Committee concluded that restitution seems to be ordered in appropriate cases involving property loss or damage and that restitution orders are enforced whenever possible. Victims are informed by Probation Services when orders are deemed unenforceable. In November, 1985, court clerks initiated a new policy of paying restitution to victims as received. Probation Services has developed form letters to send to victims informing them that restitution has been ordered, the terms of payment, and the Probation Officer assigned to the case. Separate form letters were developed for use depending on whether the offender is an adult or young offender; these are similar except that, in cases involving young offenders, the Probation Order is not attached to the form letter. Exhibit 6 illustrates the form letter used when the offender is an adult.

Exhibit 6. Letter to Victims re Restitution

Department of Justice and Attorney General

Community and Correctional Services

PRINCE EDWARD ISLAND

(RESTITUTION - ADULT OFFENDERS)

Dear

RE:

Enclosed is a copy of the Probation Order concerning the above-noted individual, which was imposed recently in Provincial Court as a result of an offence involving you and/or your property/business as the victim.

Please note that this person has been required to make restitution to the Clerk of the Court in the amount of within the time indicated in the Probation Order. When paid, the Clerk's office will be forwarding you the money received. I will be monitoring the individual's financial means to ensure that the restitution condition is complied with in a satisfactory manner.

Should restitution not be paid within the required period, you will be advised accordingly.

Please feel free to contact me should you require additional information or have further questions/concerns.

Yours truly,

Probation Officer

Enclosure

Several additional issues around restitution were raised by the Victims Committee members representing special interest groups (particularly the representatives of school boards and municipalities) and by the key informants. These issues included:
1) Victims are often not aware of when their case is coming before Court and thus the information needed for ordering of restitution is sometimes not available.
2) Restitution may not be deemed an appropriate sentencing option for any one of several reasons, including: large or uncertain costs which could be more satisfactorily settled through the civil court, inability of offender to pay, or long jail term imposed. Victims who may be expecting restitution are often not informed when restitution is not ordered and the reasons for this decision.
3) Although Small Claims Court may be a viable option in lieu of or in addition to restitution, victims are generally not being informed of this option.

These issues were kept in mind when the Victim Assistance Programme proposal was developed. Assistance with financial reparation is one of the services to be provided by Co-ordinators of Victim Services as part of the victim assistance programme. This assistance will include ensuring that information needed for ordering of restitution is available to the Court, ensuring that victims are informed when restitution is not ordered and the reasons for this decision, and informing victims about the possibility of initiating a civil suit and assisting them with this process.

> **Recommendation #2: The practice of photographing recovered property and returning it to its owner should be employed in all applicable cases where the ownership of the item is clear, and where the photograph will serve adequately as evidence.**

This recommendation results from criminal justice system indicator data obtained during the Study for the Planning of Victim Services on P.E.I. Examination of exhibit logs at Charlottetown RCMP and Charlottetown and Summerside Municipal

Police indicated that two months is the average time property is held. Verbal statements from court officers indicated that photographs were infrequently used, but upon the victim's request and the agreement of the Crown Prosecutor, photographs could be used in applicable cases.

Recommendation #2 was dealt with by the police sub-committee, consisting of Julie Dodd, Justice Resource Service; Sgt. Peter McGarry/Sgt. Hal Marshall, R.C.M.P., "L" Division; Chief W.J.R. Macdonald, P.E.I. Association of Chiefs of Police; and Ellie Reddin Conway, Researcher.

Julie Dodd obtained guidelines on early release of property from the Edmonton Police Department, and after discussion with the sub-committee, adapted the guidelines for potential use on P.E.I. (See Exhibit 7.)

During the key informants survey, summer of 1985, the researcher circulated the proposed guidelines to the Provincial Court judges, Crown attorneys, and supervisory police officers and asked their opinions about the proposed use of photographs as evidence. All the police officers interviewed expressed willingness to use photographs if it were an accepted practice and none of the police had encountered problems with having photographs accepted as evidence in court. The usual practice of the Crown attorneys in these cases was to ask defence counsel if they wished to see the property, then have it photographed. Judges indicated willingness to accept photographs as evidence in applicable cases so that victims could have their property returned and both judges and Crown attorneys approved of the guidelines as drafted.

In October, 1985, R.C.M.P. "L" Division adopted the guidelines as policy and in February, 1986, the Provincial Minister of Justice sent a letter to all police forces across P.E.I. recommending that the policy guidelines be followed.

Exhibit 7. Policy Guidelines for the Prompt Return of Property

The intent of this suggested policy is:

(1) to return property promptly to the confirmed victim/owner, or responsible agent, and (2) to alleviate problems caused by unnecessary storage and handling.

The following guidelines are recommended:

A) A PRINCIPLE OF PROMPT RETURN OF PROPERTY is recommended, except in cases where the actual property is needed for clear identification.

B) A COLOUR PHOTOGRAPH shall be taken of the property before it is returned. What to photograph and release shall be the responsibility of the Investigating Officer, in consultation with the Crown Prosecutor.

C) SPECIFIC REQUIREMENTS AND PROCESSES must be observed in order to maintain continuity in court.

   1) Before release, items with serial number or other identifying numbers/letters be checked through CPIC.

   2) The photograph must include:

      a) the owner or responsible agent,

      b) a form designated for this purpose, showing owner's name, case file number, registration number, signature of investigating officer, and date of release,

      c) serial numbers and/or other characteristics that could help to establish ownership.

D) IF PROMPT RELEASE IS NOT POSSIBLE, the investigating officer shall:

   1) attempt to locate the owner or responsible agent without undue delay, and provide information about property recovery;

   2) ensure that covering reports clearly indicate which items of property may be released, to whom they may be released, and whether the owner has been notified.

E) The prompt return programme DOES NOT APPLY TO THE FOLLOWING CATEGORIES, which must be seized by the Investigating Officer:

- weapons used in the commission of crime, or items necessary to show the aggravated nature of crime,
- items seized by search warrant,
- money or negotiable instruments of any kind,
- items illegal to possess (or subject to control) under Municipal, Provincial, or Federal Law, including drugs, restricted or prohibited weapons, radar detectors, etc.,
- evidentiary items requiring technical or laboratory examination that cannot be performed in the field, e.g. serial number restoration, blood-stained clothing, etc.,
- items for which insurance or other compensation has been paid.

Recommendation #3: Consideration should be given to the possibility of establishing a means on P.E.I. to provide compensation for injured crime victims.

As a member of the compensation sub-committee of the Federal/ Provincial Working Committee on Victims, Phil Arbing was able to provide the Victims Committee with some background information on criminal injuries compensation programmes and issues arising from the experiences of other provinces with their criminal injuries compensation programmes. To supplement this verbal information, Julie Dodd prepared an Information and Discussion Paper on Criminal Injuries Compensation for the Victims Committee in October, 1985. The following excerpts summarize the information contained in this discussion paper:

> ### What is Criminal Injuries Compensation?
>
> Criminal Injuries Compensation is a financial programme to ensure that any innocent victim of crime or any person injured as a result of assisting a peace officer or attempting to prevent a crime or arrest an offender is not placed in a position of undue financial hardship. The compensation is for personal injury offences, and not for property damage.
>
> All Provinces and Territories in Canada with the exception of Prince Edward Island provide a Criminal Injuries Compensation Programme under Provincial legislation. The cost of benefits paid out under the programmes is shared with the Federal Government at an annual rate of $50,000 or 10 cents per capita, whichever is greater but not in excess of 50% of the compensation paid. Prior to 1977, a formula of the lesser of 05¢ per capita or 90% of compensation paid was used to determine the cost-sharing arrangement. Provinces can opt to use this formula.
>
> The average compensation award for 1982-83 ranged from $1,976 in Alberta to $13,098 in Quebec.
>
> Compensation benefits can be made in lump sum or periodic (including monthly) payments, and have a minimum (usually $100. or $200.) and maximum level of claim. In determining the amount to be awarded, benefits and compensation available from other sources must be considered. Some jurisdictions provide benefits for pain and suffering; others do not. A criminal investigation is required to show that a crime has been committed, but the charges need not have been laid.
>
> ### What are the financial needs of victims of personal injury on Prince Edward Island?
>
> Data from the Study for the Planning of Victim Assistance

Services on Prince Edward Island (1984) indicates that the level of demand for compensation would not be high, although the majority of the injured attack victims interviewed (10 out of 19) required medical attention.

During the eight week period of the Study in 1983, 40 people (excluding wife assault victims) were victims of a personal threat or attack, and 19 suffered physical injuries (1 gun shot wound, 5 broken bones or teeth, 1 internal injuries, 15 bruises or black eyes, and 5 cuts). Ten of the 19 required treatment, 9 at hospital emergency, 2 of whom stayed overnight or longer. As a result of the injury suffered 4 people were unable to carry out their normal activities - 2 males were permanently affected, and 2 females temporarily affected (total of 21 days). One of these 4 victims inquired about criminal injuries compensation.

From this information it is difficult to anticipate the financial needs of victims of crime in the Province, because of the small numbers and short duration of the study. However, we do know that some people suffer personal injury as a result of crime - sometimes resulting in financial hardship.

What are the issues relating to a criminal injuries compensation programme in P.E.I.?

The Federal-Provincial Working Group on Justice for Victims of Crime sub-Committee on Criminal Injuries Compensation has reviewed a number of issues relating to existing programmes and a draft report is available. Considering the uniqueness of Prince Edward Island, and the issues identified within the existing programmes, a discussion of a criminal injuries compensation programme for the Province should address four major areas:- costs, accessibility, eligibility, and mobility.

Costs

It is impossible to project costs for a programme since one or two crimes resulting in a permanent disability could cost a considerable amount in lump sum or monthly payments compensation. Establishing minimum and maximum levels of claim would assist in projecting costs but not with any degree of certainty.

By reviewing the compensation paid out in the other three Atlantic Provinces during 1981-82, and comparing population size, and number of violent crimes, it may be possible to project the cost of a P.E.I. Criminal Injuries Compensation programme. The costs run from 03¢ (NFLD) to 09¢ (Nova Scotia) per capita, and the Federal contribution ranges from 50% to 90%.

Accessibility

The percentage of victims of violent crimes that apply for criminal injuries compensation is low. A lack of awareness of the existence of programmes is one reason cited; another reason may be the programme's inability to respond quickly, and without undue administrative delays in some jurisdictions.

Criminal injuries compensation programmes are administered by a form of Criminal Injuries Compensation Board in most jurisdictions, and by the Worker's Compensation Board in two, and the Department of Justice in two others. The number of applications in Prince Edward Island would be small, and an existing administrative programme with the ability to respond to applicant needs would likely be the most feasible.

Eligibility

A list of compensable crimes forms a part of the Federal-Provincial cost-sharing agreement... A number of issues have been identified during the review by the Federal-Provincial Working Group on Victims of Crime, and others.

These are:

1) drinking/driving crimes are not included under the Federal-Provincial agreement and where these are compensated the Province pays the full cost;

2) pain and suffering as a result of criminal injury is compensated in some jurisdictions, and not in others. Where it is compensated, this cost is shared;

3) while injuries related to wife assault are eligible, there are very low numbers of applicants and awards; and

4) victims of sexual offences, including children, are not sufficiently compensated according to the Badgely Report.

Mobility

It is a requirement of the Federal-Provincial agreement that Provincial compensation legislation not include a residency requirement. Presently if a person from P.E.I. were injured as a result of crime in Ontario, that person would be eligible to apply for compensation. If a person from Ontario were injured as a result of crime in P.E.I. there is no compensation programme, and that person would currently have no recourse.

This has raised the question if a lack of criminal injuries compensation in the Province contravenes section 15 of the Charter of Rights and Freedoms.

Providing Criminal Injuries Compensation in P.E.I.

> Due to the population of the Province, and the low rate of crime, the number of applicants each year and the requirements for compensation will not be great. In considering the present federal cost-sharing arrangements available, annual compensation payments between approximately $13,000 and $100,000 will be cost shared at 50%. Below $13,000 the federal share ranges from 50% to 90% depending on the amount paid in compensation, and over $100,000, there is a maximum federal contribution of $50,000, so the range would decrease from 50%.
>
> The administration of the programme would be most efficient if tied to another programme such as Worker's Compensation since the number of applicants would not warrant a separate administrative mechanism.
>
> In terms of the effectiveness of a criminal injuries compensation programme, if a victim assistance programme were available in the Province, the victim assistance worker could help to overcome the barriers which reduce the effectiveness in other places. In addition to providing information, support, and referral to people throughout their involvement with the criminal justice system, the victim assistance worker could assist with meeting immediate financial needs, through the existing programmes or an emergency fund, and assist with the preparation of complete and accurate criminal injuries compensation claims to ensure efficient action from the designated approval agency.
>
> In summary, while the Committee on Victims of Crime considers the needs of victims in Prince Edward Island, the financial needs area is important. Ideally as with other recommendations this could be approached in a co-operative manner with existing agencies. If a victim assistance programme is developed, an approach to assisting people with financial needs resulting from their victimization could be integrated with other services.

After studying the Information and Discussion Paper on Criminal Injuries Compensation, the Victims Committee decided to invite officials from the federal Department of Justice to meet with the Committee for further discussion of existing compensation programmes and possible options for a criminal injuries compensation programme designed for P.E.I. This meeting was held on December 6, 1985.

The Victims Committee then decided to submit a proposal to the federal Department of Justice for a feasibility study which would link a compensation programme together with a co-ordinated approach to victim services and which would explore fine surtax as a possible means of funding these services.

As indicated previously in Section III, B, 6, this Feasibility Study included preparing and circulating a Discussion Paper which was used as the basis for a proposal to the federal Department of Justice for the 10-month developmental phase of a province-wide victim assistance programme.

Feedback from the Discussion Paper: Victim Assistance Feasibility Study indicated that the compensation programme should be administered from within the Department of Justice, rather than through the Worker's Compensation Board or a Criminal Injuries Compensation Board, as this seemed the least bureaucratic and most cost-effective administrative option.

The funding proposal for the Victim Assistance Programme included the following tasks related to the criminal injuries compensation programme to be carried out during the developmental phase: drafting enabling legislation; designing the necessary application forms; establishing processes for publicity, referral of victims, administration, adjudication, and appeals; establishing maximum and minimum award levels and/or guidelines for physical injury and pain and suffering; and putting in place a payment system.

During the operational phase of the Victim Assistance Programme, victim service co-ordinators based at courthouses across the province will be responsible for the following tasks directly related to criminal injuries compensation: publicity to ensure that victims are aware of the compensation programme, receiving and processing applications, and possibly adjudicating straightforward claims.

In the throne speech of March 24, 1986, the Government of P.E.I. announced its intention to establish a criminal injuries compensation programme. In his announcement, April 23, 1987, of the developmental phase of the Victim Assistance Programme, the Minister of Justice reiterated his commitment to establish a criminal injuries compensation programme and linked it together with the planned co-ordinated approach to victim services and fine surtax system.

In summary, both the Victims Committee and the Government of P.E.I. expressed a commitment to establishing a criminal injuries compensation programme on P.E.I. The approach taken was to learn from the experiences of other jurisdictions and to incorporate criminal injuries compensation as part of an integrated approach to victim services.

> **Recommendation #4: Case progress information should be made available to crime victims by means of the officer at the scene providing them with the occurrence number of the incident. Victims could then, at their discretion, contact local police about their case... This does not mean no proactive contacts with identified victims should be made by the police... Police policy in this area should be clearly defined and communicated.**

The following excerpt from the November 8, 1984, Minutes of the P.E.I. Committee on Victims of Crime summarizes early discussion concerning this recommendation.

> This is considered a significant recommendation - it is an encouragement and reassurance to the victim; it demonstrates police (justice system) concern and sensitivity. The need for information runs across all victims, and all aspects from pre-charge to post conviction.
>
> These problems/questions raised in implementing the recommendations were discussed:
>
> - R.C.M.P. do not have occurrence number at the scene, it could be a few days later before a number is assigned.
> - if tied to name of officer, may delay victim getting information with shifts/time off.
> - possibility of a business card for police officers.
> - what about a case-status card with central telephone number for information? (computerized system).
> - who to contact:
>   - before charges/police?
>   - after charges/police or courts?
> - case status number changes from occurrence number to computer number to Statistics Canada number.

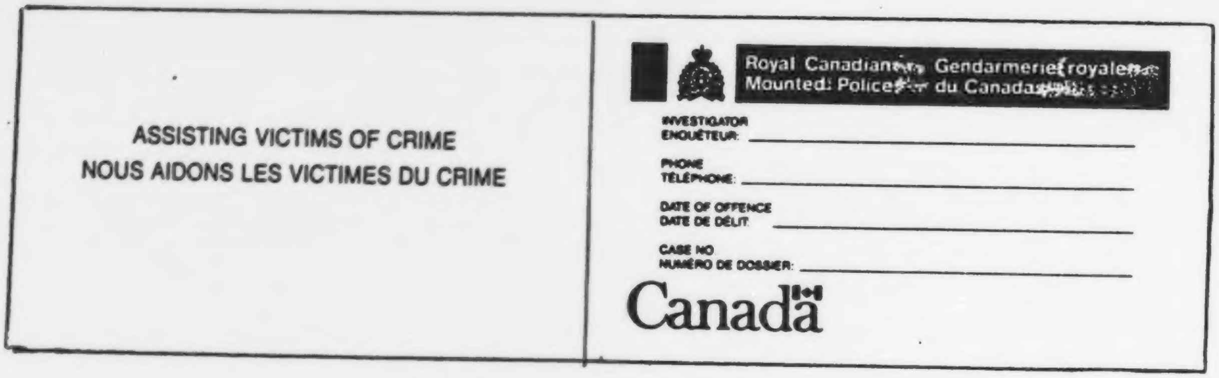
The approach the Victims Committee decided to take was to design cards for police officers to give to victims with as much information as possible to make it easier for the victim to obtain case progress information. The task of designing these cards was assigned to the police sub-committee.

Although the original approach taken was to design one card for police to use across the province, this did not prove feasible because some municipal departments had their own logo they wished to use and because the R.C.M.P. required a bilingual card. Specifications for the cards were therefore discussed with personnel from each of the four municipal police forces and the cards were designed, printed by the Queen's Printer, and distributed to all the police forces by June, 1986. The cards were designed to be used in conjunction with the Directory of Services for Victims of Crime (recommendation #6), i.e. the police could refer victims to any of the services listed in the Directory by writing the agency's name and phone number on the card before giving it to the victim. Exhibit 8 illustrates the front and back of the R.C.M.P. and Summerside Municipal cards. (Cards for the other three municipal departments list the same information on the back.)

Although the cards should help victims obtain case progress information, it is not expected that the cards will completely satisfy victims' needs for information, particularly in cases going before the courts. During the key informants' survey, summer of 1985, five of eleven supervisory officers indicated that keeping the victim informed as the case progresses is a routine practice or a priority in their detachment/department. During the survey of 46 front-line officers carried out October, 1986 - January, 1987, 22 (48%) said that they always get back to victims to provide case progress information and 14 (30%) said that they do at least 75% of the time.

Given time limitations and the process of responsibility for the case shifting from officer-at-the-scene, to investigating

Exhibit 8. Cards for Police to Give to Victims



ASSISTING VICTIMS OF CRIME
NOUS AIDONS LES VICTIMES DU CRIME

Royal Canadian Mounted Police
Gendarmerie royale du Canada

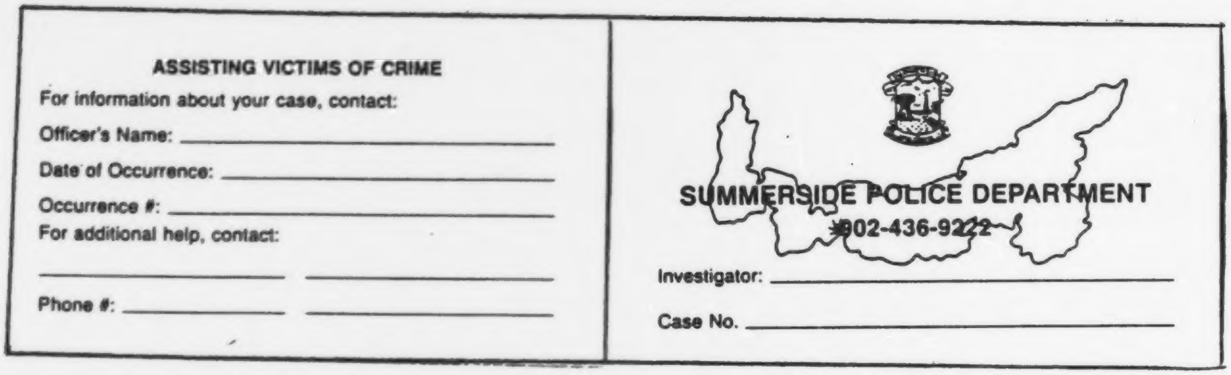
INVESTIGATOR
ENQUÊTEUR: ____________________

PHONE
TÉLÉPHONE: ____________________

DATE OF OFFENCE
DATE DE DÉLIT ____________________

CASE NO
NUMÉRO DE DOSSIER: ____________________

Canadä



ASSISTING VICTIMS OF CRIME
For information about your case, contact:
Officer's Name: ____________________
Date of Occurrence: ____________________
Occurrence #: ____________________
For additional help, contact:
__________ __________
Phone #: __________ __________

SUMMERSIDE POLICE DEPARTMENT
902-436-9222

Investigator: ____________________
Case No. ____________________

officer, to court officer in some cases (particularly in the larger detachments/departments), it is probably unrealistic to expect police on P.E.I. to do much more than they already are in this regard. Yet, from the victims' perspective, except in very minor cases, information about their case is an important need.

Provision of information is one of the service activities included in the proposed Victim Assistance Programme. While the primary responsibility for providing information will continue to rest with the police and to some extent Crown attorneys and probation officers, victim services co-ordinators (who will work in close liaison with the police, Crown attorneys and probation officers) will be able to assist by answering inquiries and providing case progress information as needed.

> **Recommendation #5: Victims of property offences should always be offered crime prevention information by the attending officer, and should be made aware of the services provided by the local Crime Prevention Unit (if any).**

Following the researcher's report on the survey of supervisory police officers conducted during the summer of 1985, the Victims Committee concluded that police on P.E.I. are doing as much as possible in the area of crime prevention information for victims. Supervisory personnel from six detachments/departments indicated that their officers routinely provide crime prevention information to victims of property offences, while the other five emphasize crime prevention, but more as a preventive approach rather than after a crime has occurred.

Examples of crime prevention outreach approaches by the police include: preparing and providing a crime prevention booklet for businesses in the community; having a summer student take the Operation Identification programme to all property owners in the area; media campaigns; a "Property Check" form which is completed by all new businesses in the community followed by recommendations from the police on crime prevention measures to be taken, and a weekly crime prevention column in the newspaper.

> **Recommendation #6: A handbook of services available to crime victims on P.E.I. should be produced and distributed to all police officers who deal directly with crime victims. These individuals should familiarize themselves with the agencies listed so that...(they) can and will make the appropriate referral(s). Provision should be made for an annual review and updating of the handbook.**

During the Study for the Planning of Victim Assistance Services on P.E.I., the researcher compiled an agency inventory in order to identify what services were being, or could potentially be, used by victims of crime. This agency inventory was compiled into a draft directory and circulated to community agencies, together with an evaluation survey, by the Co-ordinator of the Justice Resource Service early in 1984.

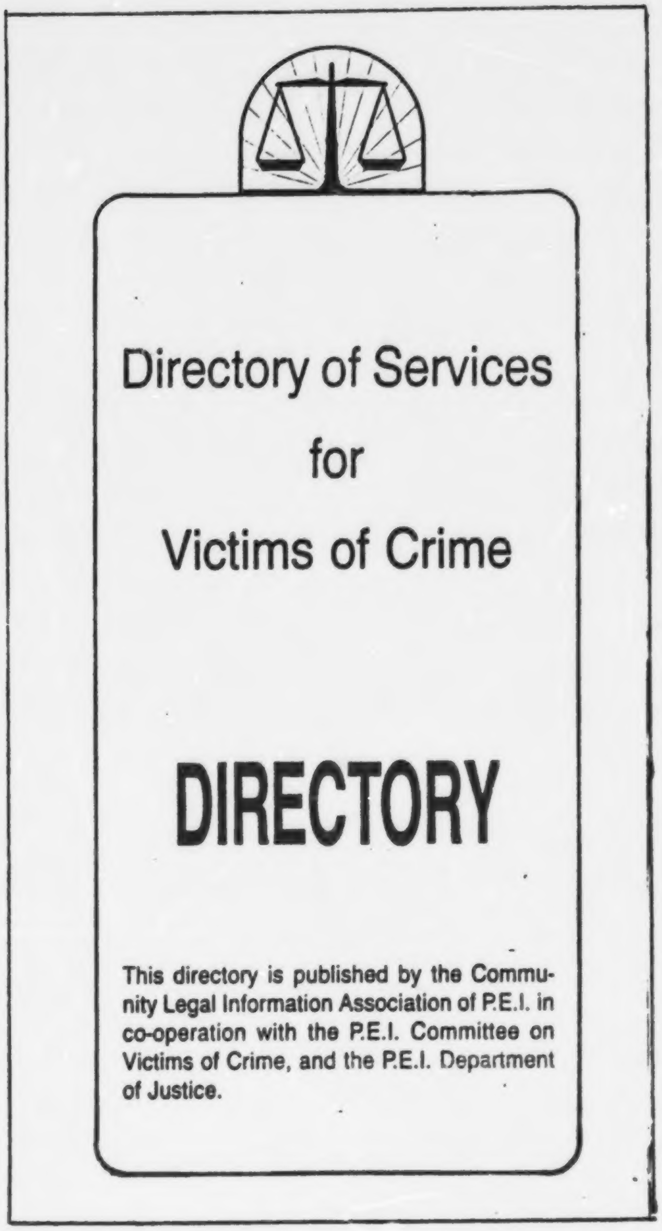
The publications sub-committee took responsibility for condensing the directory into a more compact format so that it would be easier for police to use. Publications sub-committee members included: Julie Dodd, Justice Resource Service; Linda Trenton, Department of Education, representing the P.E.I. Working Committee on Wife Battering; and the researcher. The Victims Committee decided to ask Beverly Mills Stetson, Executive Director of Community Legal Information Association, to join the publications sub-committee to assist with preparation, design and distribution of the directory and the witness brochure (recommendation #17).

The sub-committee's task of finding a suitable format was made easier when the representative of the P.E.I. Association of Chiefs of Police brought to their attention the Information and Assistance booklet used by the Victim/Witness Service Unit of the Fredericton Police Department. Using this as a model, the sub-committee organized the agency information into an 11-page 9 cm x 18 cm booklet with colour-coded pages and index. Exhibit 9 shows the cover and first page (including index) of the Directory.

The information contained in the Directory (agency name, location(s), telephone number(s), and brief description of servcies) was checked with all agencies listed in December, 1985, before the Directory was printed.

During March-April, 1986, the Directory of Services for Victims of Crime was distributed to all police on P.E.I. for officers' daily use. Police have been encouraged to use the Directory in conjunction with police cards (recommendation #4) to refer victims to needed services (i.e. by writing the name and phone numbers of appropriate agencies on the police card and giving it to the victim). The Victims Committee recognized that personal familiarity with the agencies listed is necessary if police are to make effective referrals. Therefore, the Committee will be including information about local service agencies in its planned police training programme (recommendation #20).

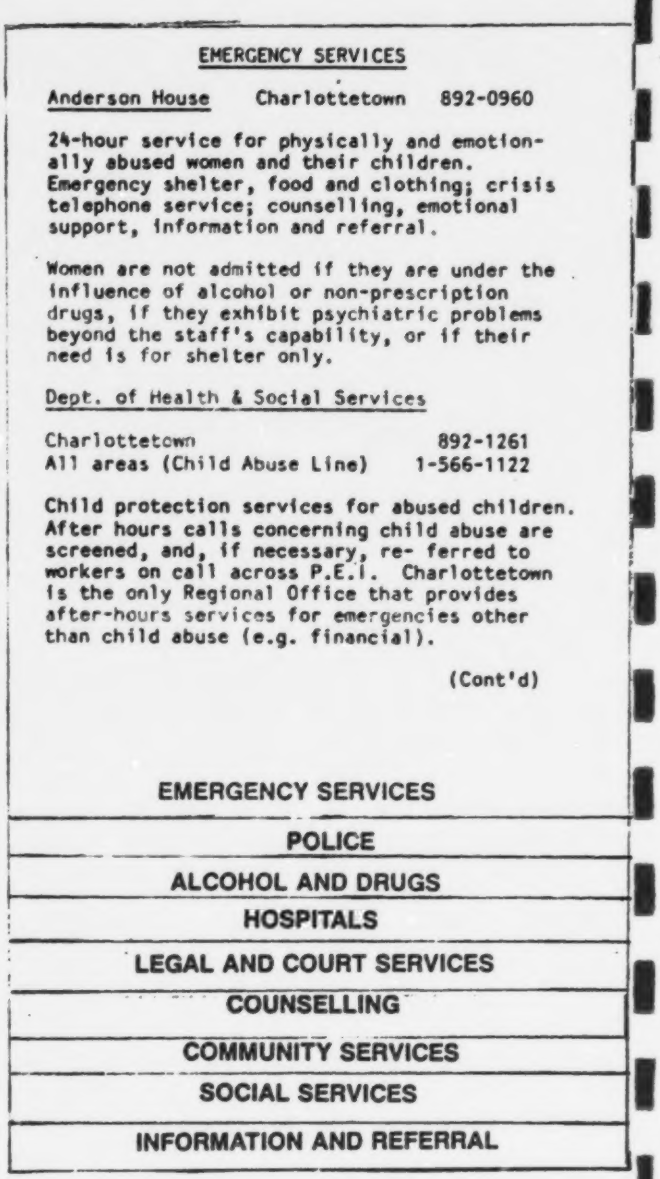
Exhibit 9. Directory of Services for Victims of Crime



Directory of Services
for
Victims of Crime

DIRECTORY

This directory is published by the Community Legal Information Association of P.E.I. in co-operation with the P.E.I. Committee on Victims of Crime, and the P.E.I. Department of Justice.



EMERGENCY SERVICES

Anderson House Charlottetown 892-0960

24-hour service for physically and emotionally abused women and their children. Emergency shelter, food and clothing; crisis telephone service; counselling, emotional support, information and referral.

Women are not admitted if they are under the influence of alcohol or non-prescription drugs, if they exhibit psychiatric problems beyond the staff's capability, or if their need is for shelter only.

Dept. of Health & Social Services

Charlottetown	892-1261
All areas (Child Abuse Line)	1-566-1122

Child protection services for abused children. After hours calls concerning child abuse are screened, and, if necessary, referred to workers on call across P.E.I. Charlottetown is the only Regional Office that provides after-hours services for emergencies other than child abuse (e.g. financial).

(Cont'd)

EMERGENCY SERVICES
POLICE
ALCOHOL AND DRUGS
HOSPITALS
LEGAL AND COURT SERVICES
COUNSELLING
COMMUNITY SERVICES
SOCIAL SERVICES
INFORMATION AND REFERRAL

The Directory was met with an enthusiastic response not only from the police, but from many community agencies and individuals as well. Community Legal Information Association (CLIA) assumed responsibility for distributing the Directory to the general public. CLIA has had many telephone requests for the

Directory and has found it a very popular item during information displays. Fifteen hundred copies were initially distributed and 500 additional copies were recently printed.

2. Wife Assault Victims (#'s 7-16)

Research findings and implications regarding these recommendations are presented in detail under separate cover in the Report on Wife Assault & Sexual Assault for the Victims of Crime Monitoring & Evaluation Study. The following section summarizes the implementation process.

> **Recommendation #7: A system should be developed and implemented by all police on P.E.I. which will identify and count reported cases of wife assault. This should include occurrences reported "over the counter" such as cases of victims seeking recognizance orders or advice.**

During 1983, R.C.M.P. detachments on P.E.I. began flagging wife assault cases for statistical purposes; thus "L" Division was well prepared for the new system, initiated by R.C.M.P. headquarters in Ottawa, of coding wife assault cases separately from other assaults. The new system began on P.E.I. in June, 1984, and was reviewed six months later in December, 1984.

During the survey of supervisory officers conducted during the summer of 1985, the seven R.C.M.P. detachments reported that the new coding system for wife assault cases was working well. Since the coding is done by supervisory officers when reviewing files, no problems were experienced in deciding in which cases to use the code. The four municipal departments reported that they either file wife assaults separately at this time or that the incidents are few enough that they can easily be identified.

The impact of this recommendation is primarily related to statistical purposes, rather than being of any direct effect on services to victims.

> **Recommendation #8: (Unproclaimed Mental Health Act revision to remove alcohol abusers from their homes) should be reviewed by officials from the P.E.I. Department of Justice with a view to the protection of women and children ...while at the same time carefully studying the civil liberties/human rights issues involved...**

The Victims Committee reviewed the proposed amendments as well as the report of the Alcohol/Drug Addiction Committee of Health & Social Services which recommended the amendments. The status of the amendments was discussed with Ray Moore, Legislative Counsel, who indicated that the proposed revision had been shelved, primarily because it is contrary to the Charter of Rights.

The Victims Committee concluded that there were three fundamental problems with the proposed revision:

(i) it does not distinguish between alcohol abusers who are threatening, harassing or assaulting other people and those who are causing no harm or threat of harm to anyone except perhaps themselves (the Committee agrees that removing someone who is causing no harm or threat to others could be considered an infringement on that individual's human rights;

(ii) it makes no provision for abusive situations in which alcohol is not involved;

(iii) it tends to place such situations in a mental health context rather than being considered a protection matter.

Although that particular legislation is clearly not a feasible solution to the problem, the Victims Committee has recognized the need for a means of:

(i) enabling the police to remove abusive partners, rather than the victim and children, from the home;

(ii) providing an emergency court order forbidding the assailant to return to the home or contact the victim until a court hearing can be held; and

(iii) providing protection to women who are no longer living with their partners.

The need for these protective mechanisms was brought to the attention of the Victims Committee through presentations from such groups as the Transition House Association, the Turning Point Group, and Queens County Addiction Services. The Interagency Committee on Domestic Violence also discussed at length the need for a means of protecting wife assault victims from further assaults and/or harassment.

The Victims Committee outlined its concerns in a memorandum to the P.E.I. Minister of Justice dated November 27, 1985, suggesting the need for some form of "emergency protection legislation" (i.e. a means of removing the assailant from the home and obtaining an immediate order for protection). The response from the Minister of Justice, Hon. George McMahon, indicated that such legislation might not be a practical solution to the problem because it would necessitate finding the offending partner and keeping him under lock and key. The Minister's view was that the victim and children would receive better protection by seeking shelter at Anderson House.

As indicated earlier in this report, protection of wife assault victims was one of the issues discussed at the Consultation with Senior Justice Personnel in November, 1986. Among the resulting recommendations from the Victims Committee to the current Minister of Justice, Hon. Wayne Cheverie, three relate specifically to the protection of wife assault victims:

2. that when an accused batterer is arrested and held temporarily, certain conditions be placed on the accused (by the courts on request of the Crown) before a pre-trial release;
3. that the Minister of Justice investigate the possibility of emergency protective legislation;
4. that the Minister of Justice review the Family Law Reform Act with special regard to the definitions of spouse and matrimonial home.

The fourth recommendation above refers to: expanding the definitior of spouse to include common law partners so that they could be protected under Section 34 by restraining orders; and amending the Act to allow for exclusive possession of the matrimonial home being awarded to wife assault victims while a permanent settlement is being worked out.

These recommendations were presented to the Minister in February, 1987, as part of the Victims Committee's Third Report to the Minister of Justice. Representatives of the Victims Committee (the Chair and the researcher) met with the Minister on March 30, 1987, to discuss these and other recommendations. The Minister will be considering further action in the months ahead.

> **Recommendation #9: A review should be undertaken to determine the cause of the apparent reluctance of wife assault victims living with their assailants to call the police. In addition, the adequacy of current police responses to wife assault complaints should be monitored to ensure that all reasonable efforts are being made to support and assist those victims.**

At the Victims Committee meeting of November 8, 1984, it was decided to request Anderson House staff to ask women residing there whether they had reported to the police and if not why not. A form was drafted and used to obtain information from women who stayed at Anderson House from January to March, 1985. This form is attached as Exhibit 10.

At the Victims Committee meeting of May 24, 1985, Jill Lightwood, representative of the Interagency Committee on Domestic Violence, reported that five out of six contacts with police by women at Anderson House were positive. The numbers were low because January - March was not a busy time at the shelter. The positive responses included charges laid by police and/or assisting women to the shelter. In the one case in which the response was not positive, the woman laid charges herself resulting in conviction and probation.

Further monitoring of the police response was carried out by means of the survey of wife assault victims conducted between April 1, 1985, and September 30, 1986, as part of the victims

Exhibit 10.

Anderson House - Police Contact Form

(to be completed for all women at Anderson House)

1. Was there physical abuse? Yes______
   No ______

2. Did the woman contact the police? Yes______
   No ______

3. If yes - what did the police do?____________________________

4. If no - why not?____________________________

5. Any other comments?

Date:____________________ Staff:____________________

monitoring and evaluation study. Research findings indicate that, compared to the 1983 survey conducted as part of the Study for the Planning of Victim Assistance Services on P.E.I., there seems to be less hesitancy to call the police, regardless of whether the victim is living with the assailant or not, and less of a perception that the police will not respond to domestic disturbances. To confirm this tentative finding, furthe research would be required.

> **Recommendation #10: Police, social workers, addiction counsellors, doctors and other professionals who become aware of wife assault situations should be encouraged to make referrals to the group counselling programme for men who batter (Turning Point)...As well, judges should give consideration to this programme as a sentencing option (preceded as appropriate by alcoholism treatment) in wife assault cases.**

The Victims Committee has indicated its support of the Turning Point programme in letters to the Provincial Court judges dated January 11, 1985, and the Minister of Health & Social Services dated December 27, 1984.

During the survey of key informants (June and July, 1985) the Provincial Court judges and Crown attorneys expressed their support for Turning Point as a viable sentencing option. When, upon recommendation of the Crown attorneys, the judges order treatment for the offender, they generally include it as part of a probation order phrased as "to take treatment as prescribed by the probation officer in consultation with the appropriate authorities" or similar wording. This approach allows the Turning Point counsellors an opportunity to assess whether a particular individual is a suitable candidate for the group treatment programme.

Both the survey of supervisory police personnel (June and July, 1985) and the survey of front-line officers (October, 1986 - January, 1987) indicated that police on P.E.I. were not well-informed about the Turning Point programme and were hesitant to make referrals.

The Committee met with a representative of the Turning Point Group in November, 1985. Discussion included the programme's need for an administrator/caseworker (the Turning Point counsellors come from several agencies but lack funding for a co-ordinator's or executive director's position); success of the programme in stopping or diminishing the violence; and referral sources. Client referrals have been coming from the courts and social workers, but not from the police as yet.

In the spring of 1986, Sgt. Hal Marshall, R.C.M.P. Crime Prevention & Community Relations Officer and R.C.M.P. representative on the Victims Committee, joined the committee responsible for the Turning Point programme. Over time, this liaison between the R.C.M.P. and Turning Point may increase police referrals, at least from the R.C.M.P. It will be important to include information about Turning Point in the proposed police training programme (recommendation #20).

> **Recommendation #11: The emergency shelter provided by Anderson House is clearly addressing one of the most crucial needs of wife assault victims on P.E.I. Stable and adequate funding arrangements should be made so that the Transition House Association will be able to continue providing this valuable service, as well as addressing other needs such as follow-up support, outreach to the more distant communities, and child care.**

The Victims Committee indicated its support for this recommendation in a letter to the Minister of Health & Social Services dated December 27, 1984. The representative of the Interagency Committee on Domestic Violence has kept the Victims Committee informed on the Transition House Association's financial situation.

The Transition House Association became a United Way agency in 1986 and the community continues to maintain a high level of financial support. In April, 1987, the provincial government approved sufficient funding for the Transition House Association to meet its 1987-88 operating costs, but the long-term financial situation is not yet stable. In spite of ongoing financial difficulties, Anderson House now has a child care programme and a follow-up support group. Outreach to the more distant communities has not yet become a reality, although the West Prince Family Violence Program has been trying to obtain funds to establish safe-houses and related services in the western end of the Island.

> **Recommendation #12: Police and Social Services staff should together work out a satisfactory system of providing transportation to Anderson House for wife assault victims.**

Following circulation of the Study for the Planning of Victim Assistance Services on P.E.I.: Summary Report (including the 21 recommendations) during the summer of 1984, the Department of Health & Social Services initiated a policy of providing transportation to Anderson House for wife assault victims.

The P.E.I. Committee on Victims of Crime requested that Social Services put its policy regarding transportation to Anderson House in writing, but this has not yet been done. The survey of 46 front-line police officers indicated that only 18 officers (39%) were aware of this policy and four officers had experienced problems during the past two years with arranging transportation to Anderson House. This finding underlines the need for a written transportation policy and for informing front-line police officers about it since these officers are the service providers most likely to be assisting wife assault victims when they need transportation to a safe place.

> **Recommendation #13: The P.E.I. Department of Justice (should) conduct a review of P.E.I. Legal Aid, with consideration being given to the needs of wife assault victims.**

After reviewing background information on the Legal Aid programme (the Legal Aid brochure and Fourth Annual Report), the Victims Committee invited Kent Brown, Director of Legal Aid, to its meeting in May, 1985. In his comments, Mr. Brown emphasized that the resources available are not sufficient to meet the demand. Emergencies are difficult to deal with because the Legal Aid lawyers' schedules are already booked up. Realistic priorizing is difficult because of the demands for services.

In its second report to the Minister of Justice dated February, 1986, the Committee requested that the Minister establish a process with which to review Legal Aid. Further to this request, the Committee included Legal Aid as one of the issues discussed at the Consultation with Senior Justice Personnel in November, 1986. In its Third Report to the Minister of Justice, the Victims Committee brought forward a revised recommendation (#6): "that the Minister of Justice undertake an independent review of legal aid with a view to developing a more comprehensive approach to legal aid services." During the discussions of this and other recommendations with representatives of the Victims Commitee on March 30, 1987, the Minister indicated his intention to follow-up on this recommendation.

> **Recommendation #14: Police need to ensure that the information they provide is complete and accurate and that it is understood by the victim...Police officers (should) distribute brochures ("What Battered Women Should Know About the Law") to all wife assault victims...Police officers (should) be more diligent in providing case progress information to wife assault victims.**

Implementation of Recommendations #4 (police card) and #6 (service directory) by the Victims Committee should be of some assistance regarding case progress information and information about needed services.

The "What Battered Women Should Know About the Law" brochure, developed by the Justice Resource Service in December, 1983, provides information about legal options. Only one of the 59 wife assault victims in the survey conducted during 1985/86 was given a brochure by the police, but 13 others received it from Anderson House staff or counsellors and all who read it found it helpful.

In the survey of front-line police officers, only 18 officers (39%) indicated that they had read the "What Battered Women Should Know About the Law" brochure and only 6 officers (13%)

had ever given any of these brochures to wife assault victims. The most frequent reasons for not distributing the brochure were that the officer had not seen it (14 responses) or that it was not available in the office (8 responses). This finding suggests the need for a renewed effort to familiarize police officers with the brochure and encourage them to distribute it to wife assault victims.

Although the Victims Committee did not take any specific action regarding this recommendation, two planned initiatives should have some effect. Wife assault victims will be one of the priorities for assistance by victim service co-ordinators under the proposed Victim Assistance Programme and provision of information will be one of the primary tasks. Victims service co-ordinators will ensure that the victims they deal with directly are given information about legal options (including the brochure) and case status information. Victim service co-ordinators will also encourage the police to familiarize themselves with the brochure and distribute it to wife assault victims. The second planned initiative, police training, will include a learning module on victims of spouse abuse, with an emphasis on providing information as well as supportive intervention.

> **Recommendation #15: Charges should be laid promptly by the police in all cases where sufficient evidence is present to substantiate the charges. Where evidence is lacking, the officer attending the call should inform the victim of both the process to be followed in laying charges herself, and of the availability of community resources to assist her.**

Bill C-127, encouraging the police to lay charges in wife assault cases, was passed by the House of Commons early in 1982. In January, 1983, "L" Division of the R.C.M.P. instituted a policy of laying charges in wife assault cases when there is evidence to support a conviction. In October, 1983, the Minister of Justice & Attorney General for P.E.I. directed that police lay charges in these cases when there is reasonable and probable grounds to believe that an assault was committed. The R.C.M.P.

have since amended their policy so that it is in keeping with the Attorney General's directive. Research indicates that in most cases police, particularly the R.C.M.P., are following the new policy of laying charges in wife assault cases, although they did not always provide clear information to the victim about the laying of charges.

Supervisory police and Crown attorneys surveyed during the summer of 1985 gave a generally positive response to the policy of police laying charges because it takes the pressure to drop charges off the victim and seems to have a deterrent effect since wife assault is being treated as a criminal matter. In some cases, victims have asked the police to drop charges, but most detachments/departments leave the decision whether to withdraw up to the Crown attorney. The Crown attorneys' policy is not to withdraw charges and to explain to the victim why charges are not being withdrawn, but to use discretion when circumstances warrant.

Victims Committee meetings to a certain extent provided a forum for discussion among criminal justice and community agency personnel as to the effect of this and other policy changes, particularly in the area of wife assault. Discussion focused around such issues as abuse of men by their female partners (recognized to be much less prevalent than wife assault, but still a problem), the problems caused by victims requesting that charges be dropped, and the possibility that the charging policy has resulted in some victims being reluctant to call the police if they do not want charges laid (this seems unlikely since police on P.E.I. have not been laying charges against victims' wishes).

Victims Committee members generally recognized that for a wife assault victim to proceed through the charging and court process she often needs considerable support. As part of the proposed Victim Assistance Programme, victim service co-ordinators will assist the police and Crown attorneys in providing support to wife assault victims (as well as other victims of crime) throughout the criminal justice process.

> **Recommendation #16: The Provincial and Family Court and other appropriate personnel within the P.E.I. Department of Justice (should) work towards a...mechanism that will allow the judges to deal effectively with wife assault.**

During the key informants survey in 1985, judges and Crown attorneys were asked for suggestions which might make it possible to deal more effectively with wife assault cases at the Provincial Court level. Suggestions included: 1) a victim assistant who would provide information and support; 2) pre-plea assessment to assist the court in determining the most appropriate sentence; 3) a diversion programme; and 4) an amendment to the Criminal Code which would provide that wife assault cases, while still considered criminal matters, could be heard in the Family Court Division of Supreme Court along with all other family matters.

As indicated earlier, the Victims Committee was not able to arrange a meeting with the Provincial Court judges to discuss this recommendation. However, it was one of the issues discussed at the Consultation with Senior Justice Personnel in November, 1986. In his remarks at the Consultation, Chief Justice Carruthers included the following points: the need for co-operation and communication between Provincial and Family Court so that proper information can be brought to the judge's attention and satisfactory arrangements can be reached; the need for more public education about the function of the courts; the need for more resources in the court system; the need to speed up the court process; and the need for a person to assist with preparation and support of victims.

Two of the recommendations carried forward in the Victims Committee's Third Report to the Minister, February, 1987, pertain in part to the matter of dealing effectively with wife assault cases in Provincial & Family Court. These are:

5. that the Minister of Justice develop a policy urging Crown counsel to implement practices that will ensure

that cases involving victims receive priority consideration, especially when personal injury or loss is experienced and keeping in mind the special needs of wife assault and sexual assault victims.

7. that the Minister of Justice bring before Policy Board the concept of a Victim Assistance Program and the need to continue further joint efforts toward the objective of meeting the needs of victims of crime in the province.

In a directive dated May 1, 1987, the Minister of Justice urged the Crown attorneys to proceed with cases involving victims, particularly victims of violent crime, "as expeditiously as possible and to avoid any unnecessary delays, postponements, or adjournments."

C. Witnesses (#'s 17 & 18)

Recommendation #17: An information brochure for Crown witnesses should be prepared and distributed along with each witness' subpoena. This brochure should outline the rights and responsibilities of witnesses, and describe court procedures so that the witnesses will be better prepared for their court appearances.

This recommendation was implemented by the Publications Sub-committee. A draft brochure which had been prepared during 1984 as part of a project sponsored by the Justice Resource Service was used as a basis from which to begin. The Co-ordinator of the Justice Resource Service then gathered sample copies of witness brochures from other provinces and reviewed these with the other members of the Publications Sub-committee (the researcher and Linda Trenton). After revising several drafts, the Sub-committee requested assistance from Beverly Mills Stetson, Executive Director of Community Legal Information Association, for final revisions, graphics, printing, and distribution. Draft #4 was circulated to the Victims Committee, judges, Crown prosecutors, Legal Aid lawyers, the Law Society of P.E.I., and the P.E.I. Branch of the Canadian Bar Society for comments. The researcher obtained comments from the Crown prosecutors and Provincial Court judges while interviewing them as part of the key informants survey conducted during the summer of 1985. Linda Trenton, an employee of the Department of Education, had the brochure grade-level tested by computer. Once the brochure had been printed in December, 1985, Priscilla Clough, Provincial Court clerks representative on the Victims Committee, offered to distribute copies to court clerks across the Island and request that it be attached to all subpoenas issued. Sgt. Hal Marshall, R.C.M.P. representative, and Chief W.J.R. Macdonald, representative of the P.E.I. Association of Chiefs of Police, helped to distribute copies to police detachments/departments across P.E.I. Community Legal Information Association has taken responsibility for distribution to the general public.

Exhibit 11 illustrates the cover and contents of the "Guide for Witnesses" brochure. In addition to information on court proceedings and the rights and responsibilities of witnesses, the eight-panel brochure includes a glossary of legal terms. Approximately 800 brochures were distributed to court clerks for attachment to subpoenas, to police offices across P.E.I., to private lawyers, and to the general public.

The Public Legal Education Society of Nova Scotia based its witness brochure in part on P.E.I.'s "Guide for Witnesses" and R.C.M.P. representative Sgt. Hal Marshall reported at the Victims Committee meeting of January 29, 1987, that he had received a request from R.C.M.P. in Newfoundland to adapt the "Guide for Witnesses" for their purposes.

Findings from the survey of Crown witnesses conducted between September, 1986, and January, 1987, indicate that the "Guide for Witnesses" brochure was not consistently being attached to subpoenas. Of eighty-three (83) subpoenaed Crown witnesses, only seven (8%) received a brochure. Of those who received the brochure, three (43%) found it very helpful and two (29%) found it somewhat helpful.

This finding suggests the need for staff within the criminal justice system with a "watchdog" function to ensure that procedural

Exhibit 11. "A Guide for Witnesses" Brochure

A Guide for Witnesses

his pamphlet is published by the Community egal Information Association of P.E.I. in o-operation with the P.E.I. Minister of Justice ommittee on Victims of Crime, and the P.E.I. epartment of Justice.

A GUIDE FOR WITNESSES

As a witness, you have an important duty to perform. The testimony of witnesses is the major source of information for the courts. It forms the basis for legal decisions affecting the lives of our Island citizens.

You may be called as a witness for either a criminal or a civil proceeding. This pamphlet provides information about criminal cases. If you are called as a witness in a civil matter, you may address all questions to the lawyer who contacted you.

The contents of this publication are designed to explain your rights and obligations and to assist you in fulfilling your responsibilities as a witness in the criminal courts of Prince Edward Island.

A trial is held when a person has been charged with a criminal offence. You may be called as a witness by either the Crown attorney (also called the prosecutor) who is the lawyer acting for the Crown on behalf of society, or the defence lawyer acting for the accused, or both. While you are in the courtroom, you follow the instructions of the judge who presides over the operation of the court.

WHAT IS A SUBPOENA?

A subpoena is a court order which requires you to appear in court at a specified time and place to give evidence for either the Crown or the defence, or both. You may wish to show the subpoena to your employer to arrange for time off to attend court.

If, due to a very serious circumstance, you are unable to attend, you should contact the Crown attorney or defence lawyer at once. If you fail to obey a subpoena, a bench warrant may be issued for your arrest, and/or you may be charged with contempt of court which is a criminal offence. If found guilty, you may be fined or given a jail term.

You may wish to contact the Crown attorney or defence lawyer on receipt of the subpoena to make an appointment for preparation for court. It is also a good idea to contact the office of the Crown or defence lawyer a day or two before the stated date to be sure the trial is going ahead as scheduled.

Be sure to bring to court the subpoena and any documents that are mentioned in the subpoena or documents that have been requested by the Crown attorney, the defence counsel, or the police.

If you are subpoenaed by the Crown and later contacted by defence counsel or vice versa, you are free to relate your observations to the other lawyer, although you are under no legal obligation to do so.

If you have any questions which may concern you, consult the lawyer requesting your presence. Technically, as a witness you have a right to an independent lawyer to advise you, although this is extremely unusual.

HOW DO YOU PREPARE FOR GIVING EVIDENCE?

Prior to attending court to give your testimony, take some quiet time to think about the sequence of events and try to remember particulars such as conversations, people present, dates, times, colours, distances, speed and all other relevant facts. If you made notes at the time of the event you may be allowed to take these into court with you. Ask the lawyer handling the case if this is possible. If as a witness you signed a statement for the police at the time of their investigation, you may arrange with the Crown attorney to review it.

WHAT DO YOU DO WHEN YOU FIRST ARRIVE IN COURT?

If you wish, a friend or family member may accompany you to court.

Check in advance to make certain you know the exact location of the courthouse. It is important that you arrive at the courtroom at least 15 minutes before the time specified on the subpoena because the lawyer who requested your presence may have some questions to ask you before proceedings begin. Allow sufficient time to find a parking space.

If you are a witness for the Crown, try to let the Crown attorney know you have arrived. If you are a witness for the defence, make your presence known to the defence counsel.

Enter the courtroom quietly just before court is scheduled to go into session and sit in the public area at the back of the courtroom until your name is called. Witnesses may be excluded from the courtroom until it is time to give their evidence. This is done so that each witness gives testimony based solely on his or her observations, without the influence of the testimony of other witnesses. If you are excluded, remain in the waiting area until you are called.

WHAT WILL HAPPEN TO YOU IN COURT?

Your name will be called and you will be directed to the witness stand.

When you take the witness stand, you will be asked to state your name and swear an oath to tell the truth. Most witnesses swear to the truth by placing their right hand on a Bible. However, if you do not wish to take the usual Christian oath, the law allows you to solemnly affirm the truth of your evidence. If you wish to take an alternate form of oath, inform the Crown or defence lawyer a few days before your appearance, or tell the judge when you take the witness stand.

This is the most common oath: "Do you swear that the evidence you are about to give the court in this case shall be the truth, the whole truth and nothing but the truth, so help you God?" If you wish to affirm you will be asked something like "Do you affirm that the evidence you are about to give the court in this case shall be the truth, the whole truth and nothing but the truth?" Common responses are "I do" or "I so swear", or "yes".

If you are asked to give your address, and do not wish to do so in open court, advise the judge of this when asked.

The Crown goes first and must prove the case beyond a reasonable doubt. The defence does not have to call any witnesses if it feels the Crown has not proved its case.

If you are a witness called by the Crown, you will be questioned first by the Crown attorney. This is known as direct examination. When the Crown attorney has completed questioning, the defence counsel will then begin. This is known as cross-examination. If you are a witness called by the defence, you will be questioned first by the defence counsel and then cross-examined by the Crown attorney.

While you are on the witness stand, you may also be asked questions at any time by the judge. Provincial Court judges are addressed as "Your Honour", "Sir" or "Madam". If the trial is before the Supreme Court, address the justice as "My Lord", "My Lady", "Sir" or "Madam."

After you testify, you must remain in the courthouse until you are excused by the judge or until court is concluded for the day. If you need to leave when your testimony is finished, ask the judge if you may be excused.

HOW SHOULD YOU CONDUCT YOURSELF IN COURT?

Stand up when the judge enters or leaves the courtroom.

Do not discuss your testimony with other witnesses. If a jury is present, completely avoid talking to jurors. To do so may cause a mistrial.

Normally, special clothes are not necessary for a court appearance. However, you are advised to wear clean, neat clothing. If you will be appearing in the Supreme Court, consult the lawyer who called you regarding appropriate clothing.

Speak clearly and loudly enough so that everyone in the courtroom can hear you easily. There may be a microphone near you which tape records the testimony for court records. It does not amplify your voice.

WHAT SHOULD YOU KEEP IN MIND WHEN GIVING EVIDENCE?

When you are giving evidence take your time, there is no need to feel pressured. Be sure you understand each question before you attempt to answer it. If you don't understand the question, don't be afraid to say so.

Be as clear as possible when testifying. Avoid phrases such as "I think" or "I guess" as they can be misleading. If you are certain something occurred, make that clear. On the other hand, if you do not know the answer to a question, say so. The evidence of a witness who appears frank and sincere can carry considerably more weight than the evidence of a witness who appears biased, hesitant, or evasive.

Do not ramble. Answer the questions being asked and then stop. Don't volunteer any unnecessary or irrelevant information.

e judge and jury are interested only in the facts. Therefore, n't give any opinions or draw any conclusions, unless ecifically asked.

lways give audible answers so that the court stenographer in make an accurate record. Do not merely shake your head dicating "yes" or "no".

you become emotionally upset during your testimony, you ay ask the judge for time to regain your composure.

lways be courteous, even though the lawyer questioning you ay appear to be aggressive, particularly during cross-examination. Remember the judge is there to prevent anyone from adgering or confusing you.

you make an honest mistake in your evidence, inform the rown attorney or defence counsel as quickly as possible so at the error can be corrected before the court.

O YOU HAVE TO ANSWER EVERY QUESTION YOU ARE SKED?

ormally, yes. However, if a certain question is embarrassing r you to answer and seems irrelevant to the case, you may k the judge whether you are required to answer. If the dge rules that the question is relevant, you will have to swer.

ou may object to answering a question on the grounds that e answer might mean that you could be convicted of a ime. If this is the case, you are protected by the Canadian harter of Rights and Freedoms which states that a witness as the right not to have any self-incriminating evidence used ainst him or her in any other proceedings. This applies to l cases except those involving prosecution for perjury or iving contradictory evidence. You may wish to consult your wn lawyer for independent legal advice, prior to attending urt.

OW LONG DO YOU HAVE TO SPEND IN COURT?

ince court proceedings can be very complex, there is really o way of knowing how long each case will take. You may nd that you will have to wait. Therefore, you are advised to ring a book or some quiet activity to help pass the time hen court is not in session or while you are waiting outside e courtroom.

n the event the trial resumes after the lunch hour, be repared to have lunch, and return to the courthouse in the fternoon.

HAT IF SOMEONE TRIES TO INFLUENCE YOU TO ROP CHARGES OR CHANGE THE EVIDENCE YOU WILL IVE?

ell the police or the lawyer who contacted you immediately. is illegal for anyone to harrass or attempt to influence you charge of obstructing justice may be laid and if convicted, e individual could face a penalty of up to ten years nprisonment.

WHAT HAPPENS IF THERE IS A DELAY OR ADJOURNMENT?

If there is a delay or adjournment normally the judge will state the new date and time. You may be issued another subpoena, but this is not required and the subpoena originally served will continue to be in force.

ARE THERE ANY CHILD CARE FACILITIES IN THE COURTHOUSE?

No. Make arrangements for someone to care for your children while you are in court.

DO YOU RECEIVE A FEE FOR BEING A WITNESS?

Witnesses subpoenaed by the Crown receive a fixed daily rate plus mileage if they are coming from out of town. In addition to the daily rate, out-of-province witnesses are entitled to compensation for travel, accommodation, and meals. Higher fees are paid to professional witnesses.

The police fill out witness fee forms for all Crown witnesses stating the daily rate and all eligible expenses. These are processed through the Department of Justice or police department and payment is made immediately or by cheque through the mail depending on the department. Therefore, it is important that the police have your correct address.

Unlike Crown subpoenaed witnesses, defence witnesses do not have their fees arranged through the police. In practice, a defence witness is often informally asked to appear as a witness and may not receive a subpoena. Such a person does not usually ask for a fee. However, if you are a defence witness who feels that you should be paid for your time, discuss the matter with the defence lawyer, who may offer to compensate you.

WHAT WILL HAPPEN TO THE ACCUSED?

If found not guilty, the accused will be allowed to go free. If found guilty, the accused may be fined, receive a prison or jail sentence, be placed on probation or may be ordered to make restitution (i.e. pay for at least part of the victim's losses.)

TERMS AND THEIR MEANINGS

Contempt of Court-Any form of misconduct which shows disrespect for the court, e.g., disobeying a court order or insulting the judge or other court official.

Cross-examination-The questioning of a witness by the opposing lawyer. The purpose is to clarify or discredit testimony already given under direct examination.

Crown Attorney-The lawyer who is acting for the Crown and is presenting evidence in support of the charge(s) alleged against the accused.

Defence Lawyer-The lawyer who is acting on behalf of the person who is charged with the offence.

Defendant (also called the Accused)-The person in court who is charged with an offence.

Direct Examination-The initial questioning of a witness by the lawyer who called the witness. The purpose is to present testimony containing the factual argument the party is making.

Evidence-Testimony or objects presented during legal proceedings to try to prove or discredit something relevant to the charge.

Jury-A group, composed of a cross section of the community, summoned and sworn to decide on the facts in issue at a trial.

Offences [Summary, Indictable and Hybrid]-Offences under the Criminal Code of Canada can be divided into three general types depending upon the seriousness of the offence and the procedure followed.

1) summary offences will be tried in a Provincial Court (e.g. causing a disturbance or theft under $200).

2) indictable offences can be tried in either Provincial Court or Supreme Court, with or without a jury—in most cases the choice is up to the accused (e.g. robbery).

3) there are some offences referred to as dual or hybrid offences which can be tried as either a summary or indictable offence at the discretion of the Crown (e.g. dangerous driving).

Preliminary Inquiry-A hearing to determine whether a charge for an indictable offence will proceed to trial.

Provincial Court-The court in which all charges under the Criminal Code are first brought before a judge. It is also the court which hears summary conviction matters, preliminary inquiries, and indictable offences when the accused elects trial by Provincial Court judge.

Reasonable Doubt-A degree of doubt that would make a reasonable person hesitate before believing someone is guilty of an offence.

Stay of Proceedings-A right of the Attorney General of the Province to suspend the prosecution temporarily in appropriate circumstances. If after consideration the Attorney General wishes to reinstate the proceedings, he may within six months where a summary conviction proceeding is stayed, and within one year after the stay is entered on an indictable proceeding. The Crown attorney has the further option of initiating a new charge.

Subpoena-A legal document that tells a person he or she must appear in court as a witness.

Supreme Court-The court in which indictable matters are tried when the accused elects trial by Supreme Court judge or Supreme Court judge and jury, and the court where the most serious indictable offences are heard. The Appeals Division of the Supreme Court hears Provincial Court appeals.

Testimony-Spoken evidence given under oath by a witness during a legal proceeding.

Trial-A proceeding during which a judge, or a judge and jury, hears evidence and decides on the basis of that evidence whether an accused person is guilty or not guilty.

Voir Dire-A "trial within a trial." A hearing during the trial, out of the presence of the jury, where the judge decides whether specific evidence will be admitted.

Witness-A person who gives evidence in court.

If you have questions, don't hesitate to ask officials of the court for information. They are there to help you.

This pamphlet is for educational purposes only. Changes in the law and court procedure may outdate the information it contains. If you have a legal problem, you should contact a lawyer.

Parts of this pamphlet are based on publications prepared by the Department of Justice, Province of New Brunswick, and the Ministry of the Attorney General, Province of Ontario.

Additional copies may be obtained by contacting the courthouse nearest you:

Court House
Alberton, P.E.I.
C0B 1B0
(902) 853-8461

Court House
Box 70
Georgetown, P.E.I.
C0A 1L0
(902) 652-2308

Sir Louis Henry Davies
Law Courts
Water Street
Charlottetown, P.E.I.
C1A 8B9
(902) 892-9181

Law Court Building
108 Central Street
Summerside, P.E.I.
C1N 3L4
(902) 436-4217

or contact:

COMMUNITY LEGAL INFORMATION ASSOCIATION
P.O. Box 1207, Charlottetown, P.E.I. C1A 7M8
Phone: (902) 892-0853

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changes initiated by the Victims Committee are carried out as planned on an ongoing basis. Such a function is included in the responsibilities of co-ordinators of victim services under the proposed Victim Assistance Programme.

> **Recommendation #18: Following the conclusion of the trial (including sentencing, if any) each subpoenaed Crown witness should be sent a letter from the office of the Crown Prosecutor informing them of the outcome of the trial, and thanking them for their co-operation.**

When asked about this recommendation during the key informants survey in 1985, the Crown attorneys expressed disagreement with the recommendation. They believe that it would call into question the impartiality of witnesses who are seen as simply doing their duty by testifying in court. Although supervisory police officers agreed with the recommendation on principle, they saw thanking witnesses and informing them of the outcome of the trial as a role for the court system, not the police. Given the lack of general support for the recommendation, the Victims Committee was unable to proceed further with it.

Discussion of this recommendation led the Victims Committee to consider other needs and issues related to witnesses, particularly witness fees, separate waiting areas, and communication regarding change of plea, etc., so that witnesses do not waste time going to court unnecessarily.

The Committee recognized the need for a standard policy across the province regarding payment of witness fees. Upon request of the Committee, the researcher gathered the following information: statistics regarding witness fees and expenses from the Study for the Plannning of Victim Assistance Services on P.E.I.; the legislative mandate for payment of witness fees; and the payment practices of R.C.M.P. and municipal police. The resulting information sheet (Exhibit 12) was circulated to the Victims Committee and discussed at the June 14, 1985, meeting. The Victims Committee decided to take the matter of disparities in payment of witness fees to the P.E.I. Association of Chiefs of Police via Chief Macdonald.

Exhibit 12. Information on Payment of Witness Fees

Preliminary Information June, 1985

Witness Fees

Findings from Victims Study

Of 79 witnesses interviewed, 24(30.4%) did not receive witness fees (or had not received them at the time of the interview).

Of the witnesses who were employed at the time of the trial, 23 (35%) reported some loss of salary as a result of their court appearance. The average amount of loss reported was $89. with losses ranging from $15. to over $200. in one case.

Incidental expenses, e.g. child care or transportation were incurred by 14(18%) of the witnesses interviewed. The average amount of these expenses was approximately $19.

Legislative Mandate

The Criminal Code of Canada Sec. 772(1) lists fees that may be allowed to witnesses as $4.00 for each day attending trial and $ .10 for each mile travelled, each way, to attend court.

The Court Costs Act, R.S.P.E.I. 1974, Ch. C-26 lists witnesses fees as follows: basic - $10/half-day; expert $50/half-day; mileage $ .17/mile. This Act was repealed in 1974 when the County Court System changed to Provincial Court and no new legislation regarding witness fees has been introduced.

Information sources: Ray Moore, Legislative Counsel
Dorothy Kitson, Chief Court Clerk

Payment Practices

For all witnesses subpoenaed by the RCMP, witness fees are sent by mail from the Department of Justice. The rate is $10/half-day ($50/half-day for expert witnesses) plus mileage at .21/km.

Charlottetown Municipal Police pay witnesses at the same rate as the RCMP, but witnesses are only paid upon request and victims who serve as witnesses are not paid witness fees since their compensation comes in the form of seeing justice done to the individual who victimized them.

Summerside Municipal pays its witnesses at the rate of $20/half-day ($75/half-day for expert witnesses) plus expenses. At the time when they appear in court, witnesses are given a claim form which they present at Town Hall.

In a letter to the P.E.I. Minister of Justice and Attorney General dated March 18, 1987, the P.E.I. Association of Chiefs of Police suggested that the following fee schedule for witnesses be adopted across the province: $20 per half day; $40 per full day; $75 per half day for expert witness. On March 31, 1987, the Deputy Minister of Justice replied on behalf of the Minister that the Department is prepared to adopt the fee schedule as stated above.

The Victims Committee considered the need for separate waiting areas for Crown witnesses and improved communication of information to witnesses in the proposal for a Victim Assistance Programme. Victim/witness services are included within the responsibility of victim service co-ordinators as follows: ensuring that witness brochures are attached to subpoenas; assisting with contacting victims/witnesses regarding re-scheduling or change of plea in court cases; arranging for separate waiting areas for victims/witnesses; providing emotional support to victims/witnesses when required; working with community agencies to provide practical services including accompaniment to court, transportation, babysitting, or other practical services when needed.

Space in the courthouses across the province will be needed both for separate waiting areas for Crown witnesses and for offices for victim service co-ordinators. Utilization of courthouse space was under review early in 1987. In a memorandum to the Minister of Justice dated February 24, 1987, the Victims Committee requested that the above-noted need for courthouse space be considered.

D. Committee to Co-ordinate Resources (#19)

Recommendation #19: A working committee should be established to integrate and co-ordinate available community resources for the benefit of crime victims. Further, this committee should determine the resources necessary to maintain a viable and effective network of services to meet the needs of P.E.I.'s crime victims.

The Victims Committee has made considerable progress towards implementing recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. By bringing together representatives of most elements of the criminal justice system as well as community-based groups representing victim interests, by focusing on victims' concerns, and by discussing and initiating new policies, practices, and means of providing information, the Victims Committee has no doubt increased the level of communication and co-ordination among criminal justice personnel in regard to services for victims of crime. At the same time, this process has resulted in the identification of gaps in services and a recognition of the need for greater attention to the difficulties experienced by victims of crime, particularly those with special needs (e.g. victims of wife assault, sexual assault, and drinking and driving incidents; elderly victims; and child victims).

By working towards implementation of recommendations from the Study, the Victims Committee made as much progress as possible towards integrating and co-ordinating services for victims, given the constraints imposed by its existence as a committee with no additional staff resources specifically allocated for co-ordinating or providing services. It seems somewhat unrealistic to expect a committee to perform this task without such staff resources.

Some frustration was expressed by members of the Victims Committee that the need for staff to work specifically with and on behalf of victims was not identified in the Study for the Planning of Victim Assistance Services on P.E.I., rather than leaving it to the Committee to "determine the resources necessary to maintain a viable and effective network of services for victims." Perhaps changes would have come about more quickly and victims' needs would be more adequately met by this time if the Study had included a more specific recommendation for victim assistants.

On the other hand, through its work the Committee gained an in-depth understanding of the gaps in services as well as the areas where increased co-ordination and integration of existing services would be helpful to victims. This information was not sufficiently clear from the results of the Study itself; an attempt to establish new services without benefit of the Committee's further analyses may not have resulted in the most efficient and effective allocation of resources.

The need for staff resources to co-ordinate services for victims and to fill gaps in services was identified both by the Victims Committee itself and through briefs presented to the Committee by community groups (i.e. Transition House Association, P.E.I. Rape & Sexual Assault Crisis Centre, Turning Point Group, and Mothers Against Drunk Drivers). Therefore, the Victims Committee initiated a Victim Assistance Feasibility Study to determine the resources needed, outline specific tasks to be carried out by staff, develop an approach to a criminal injuries compensation programme, and identify potential funding sources for a province-wide, system-wide victim assistance programme.

As mentioned earlier in this report, as part of the Victim Assistance Feasibility Study, a Discussion Paper was prepared and circulated to the Victims Committee and criminal justice personnel for their comments. A proposal for the ten-month developmental phase of a province-wide, system-wide victim assistance programme was then submitted to the federal Department of Justice; it was approved for funding in April, 1987.

The overall purpose of the proposed victim assistance programme is to co-ordinate and integrate available resources into a viable and effective network of services to meet the needs of victims of crime on P.E.I. This is to be accomplished through:

1) assisting criminal justice personnel and community agencies in their efforts to provide services to victims of crime;
2) assisting victims as needed throughout their contacts with the criminal justice system;
3) helping victims to access other needed services;

4) publicizing and assisting with the administration of a criminal injuries compensation programme;
5) by functioning in a liaison and co-ordinating role, helping to ensure that communication channels among criminal justice personnel and with crime victims are open and adequate.

The intention of the proposed victim assistance programme is not to duplicate or replace existing services to victims of crime, but to fill the gaps which have been identified and/or to assist criminal justice personnel with filling these gaps. Primary service activities will include:

1) Provision of information - assisting police, Crown attorneys, and probation officers by answering inquiries, providing case progress information, and ensuring that victims receive information they need about the courts, criminal justice system and community services.
2) Emotional support - short-term counselling, providing active listening and practical assistance to individuals suffering from trauma as a result of their victimization experience.
3) Referral to needed services - assessing which services a victim needs, making referrals, and following up to ensure the appropriateness of and satisfaction with the referral. This will include assessing the legal needs of wife assault victims and facilitating access to the appropriate resources, including Family Legal Aid, private lawyers, Crown attorneys, and Community Legal Information Association.
4) Assistance with financial reparation - including ensuring that information needed for possible ordering of restitution is available to the court, providing information to victims about the civil suit process or about Judgement Recovery Inc. in appropriate cases, publicizing and administering the criminal injuries compensation programme and assisting with the immediate financial needs of crime victims.
5) Working towards increased use of Victim Impact Statements in court - including information about financial loss, and any physical injury or emotional upset to the victim or victim's family.

6) Victim/Witness Services - including ensuring that witness brochures are attached to subpoenas, assisting with informing victims/witnesses about changes in court dates; arranging separate waiting areas for victims/witnesses; providing emotional support and additional information when required; and working with community agencies to provide practical services such as transportation or babysitting, as required.
7) Victim complaints - working, by means of established procedures to ensure that legitimate victim complaints receive attention and action.

Priorities for referral by police and other agencies to the victim assistance programme will include: victims of domestic violence; victims of sexual assault, including incest; victims who have suffered physical injury; victims whose cases are proceeding through court; and other victims and families of victims suffering from discernable trauma (e.g., from drinking and driving incidents, robberies, etc.).

The Victim Assistance Programme will be under the supervision of the Director of Community & Correctional Services. During the ten-month developmental phase, a Senior Co-ordinator will work with an Advisory Committee to: develop legislation for criminal injuries compensation and a victim surcharge system; and to establish procedures for administration, referrals, complaints, case management, and staff training.

When the necessary legislative and administrative procedures are in place, the Victim Assistance Programme will move from the developmental phase to the operational phase. The five courthouses (Alberton, Summerside, Charlottetown, Georgetown, and Souris) will provide a decentralized operational base for victim services staff. In addition to the Senior Co-ordinator, two co-ordinators and two part-time secretaries will be hired to carry out programme activities as described above.

E. Police Training (#20)

Recommendation #20: Consideration should be given by

> the province to the possibility of acting as a pilot test site for a comprehensive training program for police officers aimed at increasing the quality and range of services offered to crime victims.

In 1985, the Atlantic Police Academy developed a course training standard for a three-day victim service training programme. This course training standard was developed for the most part independently of the Victims Committee and is oriented towards in-service training for designated officers from across the Atlantic Region. While this training programme may prove to be a valuable adjunct to a more comprehensive approach, it is not designed to fulfill recommendation #20. For the province to act as a pilot test site it would be necessary to provide a training programme across the board to all officers who work with victims of crime from all four municipal departments and seven R.C.M.P. detachments across P.E.I.

Because it is not anticipated that any of the eleven police departments/detachments on P.E.I. will establish their own victim service units, the appropriate model for police training seems to be a "generalist" approach. This approach requires that each officer be responsible for providing immediate support as well as information and referral to crime victims. The Victims Committee's efforts in working with the police to implement certain recommendations fit well with the generalist model in that these efforts are directed towards modifying existing practices and policies. When the Victim Assistance Programme becomes operational, each officer will be responsible for liaison with programme staff.

The need for a course training standard which would fit the generalist approach and which could be adapted for use with all police on P.E.I. was discussed at several Victims Committee meetings and brought to the attention of Cathy Bragg, Senior Research Officer, Causes & Prevention Research, Solicitor General Canada (also the Scientific Authority for the Victims Monitoring & Evaluation Study). Cathy Bragg provided the Victims Committee with several copies of a draft (dated November, 1986) "Victim Response Course" prepared by J. Muir and R. Van Raamsdonk in Calgary under contract with Solicitor General Canada.

The draft "Victim Response Course" was reviewed by the Police Sub-committee (Phil Arbing, Director of Community & Correctional Services; Sgt. Hal Marshall, R.C.M.P.; Chief W.J.R. Macdonald, P.E.I. Association of Chiefs of Police; and the researcher). The Victim Response Course includes seven modules: Overview of Criminal Victimization; Elderly Crime Victims; Victims of Spouse Abuse; Child Victims of Abuse, Neglect & Sexual Abuse; Victims of Sexual Assault; Property Crime Victims; and Families of Homicide Victims/Death Notification. The police sub-committee approved the content of the modules and the training approach described in the Victim Response Course.

After discussion of practical planning approaches (instructor, times and places of the training sessions, etc.), the sub-committee decided to discuss the Victim Response Course with the P.E.I. Association of Chiefs of Police. Copies of the curriculum were distributed at the Association meeting of April 16, 1987. Further implementation of this recommendation will be carried out by Phil Arbing in co-operation with the Association of Chiefs of Police and possibly Solicitor General Canada.

IV. RESEARCH METHODOLOGY

The victims of crime monitoring and evaluation study, carried out with the assistance of Solicitor General Canada, was designed to assist the P.E.I. Department of Justice and the P.E.I. Committee on Victims of Crime in monitoring and documenting efforts to implement recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. and in researching the impact of these efforts on victims and on the criminal justice system.

The contract between Solicitor General Canada and the P.E.I. Department of Justice specified the number and types of surveys to be conducted between 1985 and 1987 for the monitoring and evaluation study. For comparability purposes, questionnaires and survey methods used were similar to those used for the Study for the Planning of Victim Assistance Services on P.E.I.; however, some changes were necessary to reflect the monitoring and evaluation function, e.g. some new questions asked victims whether recommended practices and procedures were being used and about the helpfulness of these new practices and procedures. Consistent with the 1983 surveys for the Study for the Planning of Victim Assistance Services on P.E.I., all surveys conducted between 1985 and 1987 were province-wide and only adult victims (i.e. those over the age of 16 years) were contacted for interviews.

The following sections describe and compare the methodology used with each survey during the 1983 Study and during the 1985-1987 monitoring and evaluation study.

A. Surveys of General Victims

Surveys of general victims were conducted in 1983 for the Study for the Planning of Victim Assistance Services on P.E.I. and in 1985 and 1987 as part of the monitoring and evaluation Study. Telephone interviews were conducted with victims to explore a variety of issues such as their perception of unmet needs, the police response, and, in applicable cases, experiences with court and sentencing procedures. In addition to the initial surveys, follow-up surveys of some victims were completed six months after the incident. The objective of the follow-up surveys was to obtain information about victims' experiences in court. Because very few cases proceeded to trial, only the analysis of the initial surveys will be included in this report.

For all three surveys of general victims (1983, 1985, and 1987) the victims of general crime to be interviewed were identified from Occurrence Reports received by all eleven police jurisdictions on Prince Edward Island. R.C.M.P. and Municipal police were asked to complete and return Victim Information Forms for all incidents involving victims which occurred during a two-month period of each of the survey years.

In 1983, survey interviews were completed with 184 victims, with 144 being victims of loss/damage and 40 victims of threat/attack crimes (including 10 victims of combined threat/attack and loss/damage incidents). The 40 threat/attack victims represented an 80% sample of victims during June and July, 1983. However, the 144 loss/damage victims who were interviewed were a randomly-selected 40% sample of all victims of this crime type during the survey period.

In 1985, telephone interviews were conducted with 109 victims, 81 being property loss/damage victims and 28 being threat/attack victims (including five victims of combined threat/attack and loss/damage incidents). This represents an 82% sample of both threat/attack and property loss/damage for incidents occurring between October 15 and December 15, 1985.

In addition, a telephone survey of 97 general victims was conducted for incidents occurring between March 1 and April 30, 1987, representing a 53% sample of the victims referred by the police during that time period. There were 18 victims of threat/attack (including two victims of combined incidents) and 79 victims of loss/damage only included in the survey. The ratios of victimization type are reasonably similar among the three surveys (ranging from 78% loss/damage victims in 1983, to 75% in 1985 and 81% in 1987).

All surveys were interviews; however, the time of year when the incident occurred differed for each survey which may affect the results as crime patterns may be influenced by the season. As well, the content of the questionnaires differed as some questions were asked in 1983 but not in 1985 or 1987. Similarly some questions were only asked in 1987 to determine the success in implementing recommendations and to obtain specific information for planning purposes.

B. Surveys of Wife Assault Victims

For the purposes of both the Study for the Planning of Victim Assistance Services on P.E.I. and the monitoring and evaluation study, the term "wife assault" refers to cases of threat/attack by common law partners and boyfriends as well as spouses, including cases in which the victim is no longer living with the assailant.

During the 1983 research, 34 wife assault victims were interviewed, 23 of these being referred by Anderson House and 11 by the police across P.E.I. The time period for referrals from the police was eight weeks and from Anderson House one year during the original Study, compared to 18 months from both sources in the monitoring and evaluation study.

For the monitoring and evaluation study, referrals of wife assault victims were received from police across P.E.I. and from Anderson House for incidents occurring between April 1, 1985, and September 30, 1986. The victims were contacted by telephone, the purpose of the survey was explained, and victims were given the option of a telephone or personal interview. All interviews were conducted by the researcher and took approximately one hour, on average, to complete. Referrals were obtained from the police and Anderson House on a monthly basis. Interviews were usually conducted between one and two months after the incident.

Twenty-eight referrals were received from Anderson House, 66 from the R.C.M.P., and 57 from the Municipal police (41 from Charlottetown, 13 from Summerside, two from St. Eleanors, and one from Kensington). Since seven of these were referred by Anderson House and the police, the total number of victims referred was 144.

Eighty-five victims were not interviewed for the following reasons: no phone in 41 cases, 18 refusals, 12 could not be reached or did not keep appointment, 2 victims had left the province, in 4 cases it was unclear who was the victim (i.e. fights or disturbances between partners rather than wife assault situations), 2 were repeat referrals and the victim had already been contacted, and 6 were omitted for other reasons.

Fifty-nine, or 41% of the victims referred, were interviewed. Fourteen (27%) of the 59 victims were contacted for follow-up interviews because the court process had not been completed at the time of the first interview, three victims could not be reached for follow-up, and one case was still before the court when the survey period ended.

Since less than half the wife assault victims referred during the monitoring study were interviewed, factors which could cause a bias in the sample should be considered. As in the 1983 research, by far the most common reason for non-completion of interviews was inability to contact by telephone. In 35 cases the victim had no phone or an unlisted number at the time of the incident and in six cases the phone was disconnected or changed to an unlisted number between the time of the incident and the attempt to contact the victim for an interview. Seventeen of the victims without phones live in Charlottetown or Summerside, but for those without phones in rural areas, isolation and difficulty in obtaining assistance may be even more pronounced than for other wife assault victims.

Another factor which could cause a bias in the sample is refusal to be interviewed because of a continuing live-in relationship with the assailant. This factor could mean that the sample did not truly represent the proportion of victims who report incidents, but then continue to live with their partners. However, since only nine, or half the victims who did not wish to be interviewed, were still living with the assaultive partner, it is unlikely that this factor had any significant impact on the research.

C. Survey of Sexual Assault Victims

The Study for the Planning of Victim Assistance Services on P.E.I. did not deal with sexual assault victims separately from general victims. Thus, no comparisons regarding sexual assault victims can be made between that study and the monitoring and evaluation study.

Since the monitoring and evaluation study encompassed a longer period of time than the 1983 Study, it was possible to identify sufficient numbers of sexual assault victims to warrant a separate survey. Referrals of sexual assault victims were received from police across P.E.I. and from the P.E.I. Rape and Sexual Assault Crisis Centre for incidents occurring between April 1, 1985, and November 30, 1986. The victims were contacted by telephone, the purpose of the survey was explained, and victims were given the option of a telephone or personal interview. All interviews were conducted by the researcher and took approximately one hour, on average, to complete.

Twenty-four referrals of sexual assault victims were received from the R.C.M.P. and 31 from Municipal police (25 from Charlottetown and 6 from Summerside), and two additional referrals were received from the P.E.I. Rape and Sexual Assault Crisis Centre for a total of 57 referrals. Twenty-nine of these could not be included in the survey because the victims were under 16 years of age in 24 cases and because the offence occurred before April 1, 1985, in 5 cases, leaving 28 victims who fit the parameters of the research (i.e. victims over the age of 16 and incidents occurring between April 1, 1985, and November 30, 1986). Thirteen victims (46%) could not be interviewed, eight because they had no phone and five for other reasons.

The P.E.I. Rape and Sexual Assault Crisis Centre referred several victims, but except for two they had already been referred by the police. The Crisis Centre helped the researcher contact some of the victims, however, and also helped design the questionnaire which was used for the sexual assault victims survey.

Fifteen sexual assault victims (54%) were interviewed and three of these were interviewed a second time after the court process had been completed, while two others were still before the court as of November 30, 1986, and one could not be reached for follow-up.

D. Surveys of Commercial/Institutional Victims

For the Study for the Planning of Victim Assistance Services on P.E.I., a sample of 100 commercial/institutional victims was identified from the Victim Information Forms completed by police across P.E.I. for the six-week period from June 1 to July 15, 1983. A brief survey questionnaire, covering letter and stamped, self-addressed envelope were mailed to the individuals identified as the complainant or contact person on the Victim Information Forms. The survey questionnaire concentrated on the financial impacts of the reported crimes and included questions on the victims' views of the services provided to them by the police and courts. Use of reminder letters and a telephone survey of non-respondents resulted in 71 completions for a response rate of 71%.

The mail-out technique and questionnaire used for the 1985 and 1987 surveys of commercial/institutional victims were similar to those used in 1983. In 1985, questionnaires were sent to 101 commercial/institutional victims of incidents occurring between October 15 and December 15. Fifty-five victims responded for a response rate of 55%. In 1987, 142 surveys were mailed out to victims of incidents occurring between March 1 and April 30. Eighty-three victims responded for a response rate of 58%.

All surveys were mailouts; however, the time of year when the incident occurred differed for each survey which could affect the results as crime patterns may be influenced by the season. All of the surveys had acceptable response rates; however, in some cases, the small numbers prevented tests of statistical significance from being conducted. In other cases, results were similar so that tests were obviously not required.

E. Surveys of Crown Witnesses

As part of the Study for the Planning of Victim Assistance Services on P.E.I., a telephone survey was administered to civilian Crown witnesses identified from Provincial Court records of all cases involving Criminal Code offences (other than impaired driving) during 1983. The initial sample frame consisted of 91 witnesses with identifiable telephone numbers. Interviews were completed with 81 persons for a completion rate of 89%. Some (4) refused to be interviewed while others (6) were not able to be located because the telephone numbers were no longer current.

Because the 1983 witness survey had involved considerable searching for telephone numbers (witnesses' names and addresses only were available from court records), it was decided that, for the monitoring and evaluation study, a mailout technique would be used for surveying Crown witnesses. A survey was conducted of all Crown witnesses subpoenaed to appear before Provincial Court between September 30, 1986, and January 30, 1987. Mailouts included a covering letter and stamped, self-addressed envelope as well as the questionnaire. One hundred and forty-nine questionnaires were mailed out, and 85 witnesses responded. The 57% response rate is an acceptable response rate for a mailout survey.

The number of witnesses surveyed in 1987 (85 witnesses) was very similar to the number surveyed in 1983 (81 witnesses). The respondent was the victim in 27% of the 1987 cases compared to 22% in 1983.

The 1983 survey was a telephone interview while the 1987 survey was a mailout questionnaire. Consequently, the two survey instruments differ as the 1987 questionnaire omitted some questions to facilitate the administration as well as to reduce respondent burden. Also, the 1987 questionnaire included questions pertaining to the implementation of one recommendation (#17) from the Study for the Planning of Victim Assistance Services on P.E.I. (that a witness information brochure be distributed with each witness subpoena).

F. Interviews & Consultations with Key Officials

During the 1983 Study, interviews were conducted with police and court personnel and social service agency staff.

These people were approached for their ideas on potential changes in criminal justice system procedures because they were seen as knowledgeable of local conditions and resources and aware of factors which might in the future limit the feasibility of new services.

Key informant surveys were also included as part of the monitoring and evaluation study. During the summer of 1985, interviews were conducted with supervising officers from each of the eleven police departments/detachments across P.E.I., the three Crown attorneys, and the three Provincial Court judges. Separate questionnaires were designed for each group to reflect the varied responsibilities. The purpose of these surveys was to assess the extent to which the recommendations were being implemented, as well as to determine any difficulties or disagreements with the recommendations and the reasons for these. Findings have been referred to in Section III - D of this report.

As a further effort to seek the opinions of key personnel, and to examine issues related to three of the recommendations pertaining to wife assault, a Consultation with Senior Justice Personnel was held in November, 1986. The process of this Consultation is described in Section III - B (7) of this report.

G. Survey of Police Officers

Although interviews with some police personnel were included in the Study for the Planning of Victim Assistance Services on P.E.I. as part of the key informants survey, the evaluation and monitoring study included a much more extensive police survey.

Between October, 1986, and January, 1987, telephone interviews were conducted with 46 police officers from across P.E.I. A research assistant called each detachment/department at pre-arranged times. The sample consisted of all the front-line officers on duty at those times. Proportionate to the size of each detachment/department, the sample included 24 R.C.M.P. officers, 14 officers from Charlottetown Municipal, six from Summerside Municipal, and one each from Kensington and St. Eleanors Municipal Departments. Interviews were conducted by the research assistant and took thirty minutes on average to complete. The police survey questionnaire included general questions about police practices in assisting victims of crime as well as questions specific to those recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. which pertain to police policies and practices. Findings have been referred to in Section III - D of this report.

V. RESEARCH FINDINGS

This chapter compares findings of surveys conducted during the monitoring and evaluation study with findings from the Study for the Planning of Victim Assistance Services on P.E.I. Findings which pertain to recommendations from the Study are discussed, as well as other findings for each survey (i.e. surveys of general victims, wife assault victims, sexual assault victims, commercial/institutional victims, and Crown witnesses). Information from key informant interviews and consultations and from the survey of front-line police officers is interspersed throughout Section III - D and this chapter as appropriate.

As with the surveys conducted for the Study for the Planning of Victim Assistance Services on P.E.I., respondents in the monitoring study surveys were limited to those individuals whose victimization was reported to the police (except for those wife assault victims who were contacted through Anderson Transition House and sexual assault victims contacted through the P.E.I. Rape & Sexual Assault Crisis Centre). To assist with analysis of findings, interviews were highly structured rather than open-ended. A third limitation, consistent with the 1983 Study, is that no interviews were conducted with victims under the age of 16 years; thus, no information is provided on children as victims of crime.

A. General Victims

Findings are compared for three surveys of general victims, i.e. a survey of 184 victims (144 property loss/damage and 40 threat/attack) from the 1983 Study; and two surveys from the monitoring and evaluation study: a 1985 survey of 109 victims (81 property loss/damage and 28 threat/attack) and a 1987 survey of 97 victims (79 property loss/damage and 18 threat/attack).

1. DEMOGRAPHIC DATA

In each of the three surveys, respondents were asked to provide information about their marital status, level of education, household size, occupation, and family income.

Slightly more than half of those in the 1985 survey (52%) and 1987 survey (55%) were married compared to 39% of 1983 victims. As might be expected, a higher proportion (44%) of 1983 victims were single compared to 33% in 1985 and 1987. Few victims were separated (10% in 1983, 4% in 1985 and 7% in 1987) or divorced (4% in 1983, 3% in 1985 and 5% in 1987).

Victims were asked to indicate the highest grade or level of education completed. The most frequent response in all three surveys was some high school (ranging from 28% in 1985 to 30% in 1987 and 34% in 1983). The following table presents the data.

Table 1. Highest Grade or Level of Education Ever Completed

	1983		1985		1987	
Level of Education	#	(%)	#	(%)	#	(%)
Some elementary	9	(5)	4	(4)	1	(1)
Completed elementary	18	(10)	3	(3)	13	(13)
Some high school	63	(34)	30	(28)	29	(30)
Completed high school	30	(16)	25	(23)	29	(30)
Some technical or community college	26	(14)	20	(18)	8	(8)
Some university	27	(15)	6	(6)	7	(7)
Completed university	10	(5)	21	(19)	10	(10)
TOTAL	183	(99)*	109	(101)*	97	(99)*

Source: 1983 General Victim Survey Question 35 and Questions 49 and 51 in the 1985 and 1987 Surveys

* Percentages do not sum to 100 because of rounding.

Approximately 17% or more of the victims in each survey had at least some university. As well, 15% or fewer had not gone beyond elementary school.

Household size was less than four in at least 75% of the cases in each of the three surveys. In 1983 and 1985, 11% of the victims lived alone compared to 9% in 1987.

Average household size was 3.1 in 1985 compared to 3.2 in 1987. (Average household size for 1983 was not available.)

Victims were also asked to indicate their type of occupation and employment status which are presented in the following table.

Table 2. Type of Occupation and Employment Status

	1983		1985		1987	
	#	(%)	#	(%)	#	(%)
Student	15	(8)	14	(13)	7	(7)
Retired	11	(6)	19	(18)	11	(11)
Unemployed	18	(10)	8	(7)	23	(24)
Professional	16	(9)	18	(17)	7	(7)
Business Executive	22	(12)	12	(11)	3	(3)
Clerical	26	(14)	6	(6)	6	(6)
Skilled	28	(15)	12	(11)	17	(18)
Unskilled	22	(12)	11	(10)	15	(15)
Farmer	6	(3)	0	(0)	1	(1)
Fisherman	0	(0)	0	(0)	1	(1)
Homemaker	13	(7)	4	(4)	4	(4)
Sales person	6	(3)	2	(2)	2	(2)
On Compensation	1	(.5)	0	(0)	0	(0)
TOTAL	184	(100)	105	(100)	97	(99)*

Source: 1983 General Victim Survey Question 38, 1985 Question 52 and 1987 Question 55.

* Percentages do not sum to 100 because of rounding.

The types of occupation and employment status differed between surveys. For instance, in 1983 there were 10% unemployed compared to 24% in 1987. Few (6%) were retired in 1983 compared to 18% in 1985 and 11% in 1987. In 1983, the top four types of occupation were skilled (15%), clerical (14%) and business executive (12%) along with unskilled (12%). This differed from the 1985 survey where retired (18%), professional (17%), business executive (11%) and skilled workers (11%) were the top four. Also, 1987 victims differed as unemployed (24%), skilled (18%), unskilled (15%), and retired (11%) were the major occupations.

For employed respondents, employment was usually full-time.

Clearly, then, victims come from all walks of life. The skilled and the unskilled, the business executive, the student, the retired person may all be victims of crime. The differences in the surveys reflect the fact that crime victims are not a homogeneous group. Given the diversity in occupations, one would expect a similar diversity in income levels, as is illustrated by Table 3.

Table 3. Total Family Income for Previous Calendar Year

	1983		1985		1987	
	#	(%)	#	(%)	#	(%)
Less than $9,000	31	(17)	10	(9)	10	(10)
$9,000 - $14,999	40	(22)	13	(12)	18	(19)
$15,000 - $19,999	28	(15)	17	(16)	9	(9)
$20,000 - $24,999	23	(13)	12	(11)	11	(11)
$25,000 - $29,999	17	(9)	13	(12)	7	(7)
$30,000 - $39,999	16	(9)	7	(6)	18	(19)
$40,000 - $49,999	12	(7)	4	(4)	6	(6)
$50,000 and over	10	(5)	5	(5)	6	(6)
Don't know	2	(1)	13	(12)	11	(11)
Refusal	5	(3)	15	(14)	1	(1)
TOTAL	184	101*	109	101*	97	99*

Source: 1983 General Victim Question 35, 1985 Question 53, 1987 Question 55.

* Percentages do not sum to 100 because of rounding.

Given inflation, one might anticipate that there would be fewer victims reporting income levels in the lower ranges in 1987 than in 1983. This expectation is supported by the findings since the percentage of 1983 victims in the below $30,000 income categories exceeded the percentage of 1987 victims in these categories in every instance.

2. FINDINGS PERTAINING TO RECOMMENDATIONS #1-6

One of the recommendations (#1) emanating from the 1983 Study for the Planning of Victim Assistance Services on

P.E.I. was to encourage the use of restitution to compensate victims of crime. In the 1983 survey, general victims were not asked whether the court had ordered that restitution be paid to them. The 1985 survey found that seven cases involving property loss/damage had gone before the court and in one case the victim was aware that restitution had been ordered. In the 1987 survey, four victims indicated that a sentence had been imposed by the court with restitution being ordered in one of those cases. The small numbers of cases which had proceeded through court preclude drawing any conclusions about ordering and enforcing of restitution.

Recommendation #2 refers to the photographing of evidence by police in order to more quickly return the property to the victim. The 1985 and 1987 surveys asked whether or not the police had photographed their property for evidence. In 13 cases in 1985 and in 11 cases in 1987, the victims' property was photographed. As well, it is interesting to note that six victims' property was retained in 1985 compared to three victims' property in 1987. The property was generally retained for less than one month.

In the 1986 survey of front-line police officers, 40 officers (87%) stated that they were aware of the new policy guidelines recommending use of photographs as evidence. This practice seldom occurred prior to the Study for the Planning of Victim Assistance Services on P.E.I. and the recommendation to photograph property whenever possible rather than holding it as evidence.

Another recommendation (#3) was that a criminal injuries compensation programme should be considered by the province. The 1987 survey explored the victims' interest in a compensation programme. In total, eight of the 18 threat/attack victims suggested they would apply to a compensation program. Of these eight, five indicated they would apply for medical/

dental compensation, five would apply for loss of income compensation and six reported they would apply for pain and suffering compensation if it were available. In addition, victims were asked for an estimate of what they would claim if a criminal injuries compensation program were established. Average estimated claim amounts included $135 for medical, $855 for loss of income and $966 for pain and suffering, assuming a compensation program were available. Thus, although neither the numbers of victims applying for criminal injuries compensation nor average amount claimed would be large (based on a small sample of victims), such a program could assist some victims in receiving recompense for injuries inflicted as a result of crime.

Another recommendation (#4) pertained to the provision of case progress information. The Study for the Planning of Victim Assistance Services on P.E.I. identified the major need of general victims related to police services as being the provision of case progress information. In 1983, 42 or 23% of the general victims expressed a need for case progress information which was met by the police in five cases (12%). In 1985, 17 victims (16%) expressed a need for case progress information and six victims (35%) stated that the police provided this information. In 1987, 51 victims (53%) indicated a need for case progress information and in 19 cases (36%) the police provided the information. (See Table 7.) The variance in the percentage of victims expressing a need for case progress information makes it difficult to draw any firm conclusions; however, the percentage of victims who needed and were provided with case progress information by the police more than doubled in 1985 and 1987 compared to 1983. This finding suggests that police are making a greater effort to provide victims with case progress information when needed.

In an effort to make it easier for victims to obtain case progress information, recommendation #4 was implemented by the Victims Committee. This recommendation pertained to the provision of cards containing the police officer's name and phone number which would enable the victim to contact the officer should the need arise. In 1985, nine victims (8%) reported receiving cards and three used them to obtain case progress information. In 1987, four (4%) victims were provided with a police card and one of the victims in both the 1985 and 1987 surveys received the cards which suggests that the police have not been providing the cards consistently.

In the police survey, 38 officers (83%) indicated that they have a supply of police cards, but only 3 (8%) of these officers reported giving the cards to victims in all cases while 16 of the 38 (42%) reported using them in less than 25% of cases involving victims. The most common reasons for not using the cards were that the officers give their names instead (6 responses) or that everyone knows them (4 responses). When police officers and victims know each other by name, use of the card may well seem unnecessary; however, in other cases victims could easily forget the names of unfamiliar officers.

While police cards, if used consistently, should help victims who wish to contact the police, many victims may still expect the police to contact them since victims have no way of knowing when would be an appropriate time to contact the police. For this reason and because the provision of case progress information was identified in the 1983 Study as the major need of general victims, a separate but related question was asked in the 1987 survey. In this survey, victims were asked if the police had contacted them concerning what had happened in their case. Thirty-three (34%) victims reported the police had contacted them while 60 (62%) victims indicated the police had not. As well, four victims contacted the police themselves to ask questions. The 64 victims who had not been contacted were asked if they should have been. Forty-two of them (66%) said they should have been contacted. This finding suggests that most victims expect the police to let them know what happened in their case.

A second information need identified in the 1983 study (recommendation #5) was the provision of crime prevention information. A need for crime prevention information was identified by 15 victims (8%) in 1983 and provided by police in two cases (25%); identified by 4 victims (4%) in 1985 and provided by police in one case (25%); identified by 11 victims (11%) in 1987 and provided by police in nine cases (82%). (See Table 7.) Although the variance and small numbers make these results difficult to interpret, the findings indicate that most victims in the 1987 survey who needed crime prevention information were given this information by the police.

Recommendation #6 suggested there was a need to develop a handbook of services available to victims so the police could provide information and make referrals. The recommendation was prompted as a result of the 1983 survey where it was determined that 14% of the victims were informed by the police about services available to help with problems caused by the incident. The 1985 results were lower as only 4% were informed compared to 18% in 1987; however, 79% of 1985 victims and 26% of 1987 victims indicated that such information was not applicable in their case. (See Table 8.)

To implement recommendation #6, the Victims Committee and Community Legal Information Association developed a compact Directory of Services for Victims of Crime. During March-April, 1986, the Directory was distributed to all police for their daily use. In the police survey, 35 officers (76%) reported having a copy of the Directory and 23 of those officers (66%) indicated that they find the Directory very useful.

3. VICTIM NEEDS

Financial Needs

The surveys of general crime victims produced data on two distinct types of financial impacts of victimization. The first type of financial impact was property loss or damage while the second was the costs associated with victimization-related injuries. The majority of victims surveyed experienced property loss or damage only (78% or 144 victims in 1983, 74% or 81 victims in 1985 and 81% or 79 victims in 1987).

Victims were specifically questioned as to whether or not property was taken as a result of the incident. In 1983, 64% of victims reported the loss of at least one item of personal property compared to 51% in 1985 and 45% in 1987, representing a statistically significant difference. Thus a smaller proportion of the victims in the 1985 and 1987 surveys were victims of theft of property offences.

Victims were also questioned as to the type and value of the item(s) stolen. In the 1983 survey, bicycles (35 victims), personal property e.g. clothes, jewelry (28 victims) and motor vehicle parts and accessories (25 victims) were popular targets. In 1985, however, cash (19 victims), personal property (13 victims) and appliances (12 victims) were the most frequently stolen items. Victims in 1987 were most likely to lose motor vehicle parts and accessories (19 victims) followed by personal property (11 victims) and cash (10 victims). Thus, motor vehicle parts and accessories, personal property (such as clothes, jewelry or cameras), and cash were consistent targets.

The reported average value of the losses were as follows:

- cash (1983 - $232, 1985 - $393, 1987 - $84)
- motor vehicle parts and accessories (1983 - $3,472, 1985 - $1,734, and 1987 - $677)
- bicycles (1983 - $158, 1985 - $220, 1987 - $148)
- personal property (1983 - $247, 1985 - $2,100, 1987 - $81)
- appliances (1983 - $285, 1985 - $430, 1987 - $555)
- household items or furniture (1983 - $195, 1985 - $825, 1987 - $123)
- other items (1983 - $247, 1985 - $100, 1987 - $170)

Caution should be exercised in using the average value figures which are based on relatively few observations. As well, the data do not present any consistent pattern; for example, the average value of stolen motor vehicle parts and accessories declined between 1983 and 1987 while the average value of stolen appliances increased during the same period.

In 1983, 70 victims (38%) reported property was damaged but not stolen compared to 46 (42%) in 1985 and 51 victims (52%) in 1987. Motor vehicles and dwellings or other buildings were most likely to have been damaged during the incident. The average value of damage reported was $291 in 1983, $959 in 1985 and $3,467 in 1987. The results would seem to suggest a tremendous increase; however, the 1987 results include an incident of damage caused by arson amounting to $60,000.

Victims were asked to indicate whether or not at least part of the losses would be covered by insurance. The responses fluctuated between surveys as 47% (68 victims) in 1983, 53% (42 victims) in 1985 and 37% (29 victims) in 1987 were at least partially covered by insurance. It is apparent that the majority of victims (with the exception of 1985) did not have adequate insurance to cover their losses. For these victims, restitution (recommendation #1) could be helpful providing the offenders were brought to court and restitution was ordered.

Medical Needs

Medical needs can arise as a result of physical injury from the incident. Victims were asked whether or not they had suffered any injury. Twenty victims (11%) in 1983, 16 victims (15%) in 1985 and 13 victims (13%) in 1987 reported physical injury resulting from the incident. Victims were asked to identify the injuries which were suffered. The injuries most frequently reported in all surveys tended to be (1) bruises, black eyes, scratches, (2) cuts (other than knife wounds) and (3) broken bones or teeth knocked out.

Victims were questioned as to the medical or dental attention required. Ten of the 20 (50%) 1983 victims, four of the 16 (25%) 1985 victims and eight of the 13 (62%) 1987 victims who were injured required medical or dental attention. As well, treatment was required at a hospital for nine 1983 victims, four 1985 victims and seven 1987 victims.

The 1985 and 1987 victims waited less than one-half hour for medical/dental treatment in most instances, although one 1987 victim waited longer than two hours. Few victims (two in 1983 and two in 1987) were required to stay overnight in the hospital as most received emergency treatment only.

The 1985 and 1987 surveys raised additional questions concerning the victim's medical experience. In most instances, the respondent made the decision to go to the doctor's office themselves. Police and relatives often suggested the visit to the doctor's office. Transportation to the hospital was provided by an ambulance (two 1987 victims), police (one 1985 and one 1987 victim), relative (two 1985 victims and one 1987 victim), by the victim themselves (two 1987 victims), or a neighbour or friend (one 1985 victim, one 1987 victim). All victims were accompanied to the hospital by someone which was found to be helpful for the victim.

Emotional Needs

In each of the surveys, victims were asked to report their reactions immediately following the incident in an effort to identify the emotional needs. Also, victims were asked to indicate any emotional effects which lasted for several days or more following the incident. The following table presents the results of the question concerning immediate emotional reactions.

Table 4. Emotional Reactions Immediately After the Incident: Number & Percentage Reporting

	1983		1985		1987	
	#	(%)	#	(%)	#	(%)
Nervous	68	(37)	41	(38)	28	(31)
Crying or Shaking	34	(19)	19	(17)	8	(9)
Angry	143	(78)	76	(70)	73	(80)
Confused	28	(15)	35	(32)	10	(11)
Physically Sick	12	(7)	6	(6)	12	(13)

Source: 1983 General Victims of Crime Survey Questions 13 A & B, 1985 and 1987 Surveys Question 20.

As Table 4 suggests, the most common emotional response was anger. At least 70% of the victims in each of the surveys reported feeling angry immediately following the incident. The next most frequent reaction was nervousness which was reported in more than 30% of the cases in all three surveys. Confusion, crying or shaking and being physically sick were less frequently reported but nevertheless were experienced by some victims.

The short and long term emotional effects must be considered in order to identify victims' emotional needs. Table 5 shows the number of victims who reported experiencing emotional effects which lasted for at least several days.

Table 5. Emotional Reactions Lasting Several Days or More After the Incident: Number & Percentage Reporting

	1983		1985		1987	
	#	(%)	#	(%)	#	(%)
Nervousness	26	(14)	25	(23)	17	(18)
Crying or Shaking	8	(4)	3	(3)	1	(1)
Fear of being alone	20	(11)	12	(11)	6	(6)
Fear of entering your home	16	(9)	13	(12)	3	(3)
Fear of going out at night	21	(11)	14	(13)	5	(5)
Anger	57	(31)	19	(17)	42	(44)
Memory Loss	4	(2)	0	(0)	0	(0)
Confusion	7	(4)	6	(6)	0	(0)
Physical sickness	4	(2)	0	(0)	1	(1)
Trouble sleeping	21	(11)	9	(8)	1	(1)
Headaches	11	(6)	3	(3)	2	(2)
Lack of appetite	9	(5)	1	(1)	0	(0)

Source: 1983 General Victims Survey Question 14, 1985 and 1987 Question 21

Anger was the most frequent lingering as well as immediate emotional reaction to the crime. Nervousness was the second most reported lingering and immediate emotional reaction. In addition, some victims reported they were afraid of being alone, of going out at night and of entering their own home. Some victims also reported having trouble sleeping. Hence, the incident would appear to have caused some victims to experience a lasting emotional reaction.

Table 6 compares male and female reactions. It is interesting to note that 1987 male and female victims exhibited much the same reaction after the incident: anger, nervousness and physical sickness. However, 1983 and 1985 female victims were much more likely than male victims to have been nervous and crying or shaking immediately after the incident.

Table 6. Immediate Emotional Reactions of Males and Females: Number & Percentage Reporting

	1983				1985				1987			
	M		F		M		F		M		F	
	#	(%)	#	(%)	#	(%)	#	(%)	#	(%)	#	(%)
Nervousness	6	(6)	20	(25)	8	(13)	17	(35)	7	(13)	10	(24)
Crying	2	(2)	6	(8)	0	(0)	3	(6)	0	(0)	1	(2)
Fear of alone	2	(2)	18	(23)	3	(5)	9	(19)	1	(2)	5	(12)
Fear of home	2	(2)	14	(18)	5	(8)	8	(17)	0	(0)	3	(7)
Fear of going out at night	3	(3)	18	(23)	5	(8)	9	(19)	2	(4)	3	(7)
Anger	32	(30)	25	(32)	11	(18)	8	(17)	21	(40)	21	(50)
Confusion	4	(4)	3	(4)	3	(5)	3	(6)	0	(0)	0	(0)
Physical sickness	2	(2)	2	(3)	0	(0)	0	(0)	0	(0)	1	(2)
Trouble sleeping	8	(8)	13	(16)	2	(3)	7	(15)	1	(2)	0	(0)
Headaches	5	(5)	6	(8)	1	(2)	2	(4)	2	(4)	0	(0)
Lack of appetite	4	(4)	5	(6)	1	(2)	0	(0)	0	(0)	0	(0)

With respect to lasting reactions, both males and females were likely to experience anger. Females, however, were more likely than males to be nervous, to be afraid of being alone, of going out at night and of entering their own home. As well, crying and having trouble sleeping were more frequently reported by women than men.

Victims were also asked to indicate the emotional support provided by family and friends after the incident. In the majority of cases, victims discussed the incident with a family member or a close friend (94% in 1983, 84% in 1985 and 98% in 1987), which was found to be helpful in the majority of instances (78% in 1983, 80% in 1985 and 85% in 1987).

The 1987 survey further explored the need for emotional support by asking whether or not counselling services were needed. Four 1987 victims suggested counselling services were needed. As well, four 1985 victims utilized counselling services compared to one 1987 victim. The 1985 victims used community mental health, school counsellors and Addiction Services counselling which was found to be helpful by two out of the three victims who responded to the question. One 1987 victim discussed the incident with the school counsellor which was found to be helpful.

Practical Needs

Victims of crime may have practical needs which emerge from the incident. Consequently, victims were asked to identify what could or should have been done by the community or the criminal justice system to help people who have been a victim of crime. Victims were asked to indicate if they required assistance, for example with emergency home repairs, and if so who provided the assistance. The following table represents the data.

Table 7. Perceived Need for Specific Types of Assistance: Numbers Indicating Need

1983 (Sample size: 184)

	Provided by						
	Police	Family	Friends	Neighbour	Social Agency	Other	Not Provided
Emergency home repairs			1				
Advice on practical matters	2	1					
Someone to stay with to provide company		4	6			1	
Someone to talk to for a while after police left		11	12	1		2	
Information about case progress	5						37
Crime prevention information	2						13

1985 (Sample size: 109)

	Provided by						
	Police	Family	Friends	Neighbour	Social Agency	Other	Not Provided
Emergency home repairs							1
Advice on practical matters	1					1	2
Someone to stay with to provide company		3	4				
Someone to talk to for a while after police left		3	3				1
Information about case progress	6						11
Crime prevention information	1						3

1987 (Sample size: 97)

	Provided by						
	Police	Family	Friends	Neighbour	Social Agency	Other	Not Provided
Emergency home repairs	1	1					
Advice on practical matters	11	1				3	1
Someone to stay with to provide company		5	5				
Someone to talk to for a while after police left		5	4		1		
Information about case progress					1	3	28
Crime prevention information							2

Source: 1983 General Victim Survey Question 29, 1985 and 1987 Question 34.

The data demonstrate that the police, family and friends meet differing perceived needs of victims. For example, family and friends meet the need of having someone to talk to for a while after the police leave and providing company for the victim. Police most often fill the role of providing case progress information, practical advice, and crime prevention information. However, unmet needs were identified by some victims in the areas of case progress and crime prevention information as discussed previously.

Secondary Needs

The 1983 General Victims Survey defined secondary needs as the impacts and associated victim needs arising from the way in which the criminal justice system deals with crime victims. This section will include victim perceptions of the way in which the police responded to their needs. Victims' contacts with the court will also be discussed.

Prior to dealing with the victim's perception of the police and courts, it is interesting to assess their perception of the punishment deserved by the person who committed the crime. Victims were provided with a list of sentencing alternatives in order to identify what punishment they thought the person who committed the crime deserved. Twenty-seven victims (15%) in 1983 thought the offender should go to prison, as compared to 13 (12%) in 1985 and 20 (21%) in 1987. Slightly more thought that the offender should pay a fine (27% in 1983, 11% in 1985, 22% in 1987). The most popular alternative sentences which victims felt the offenders deserved were restitution (28 victims in 1983, 25 in 1985, and 44 in 1987) and community work/service (four victims in 1983, 16 in 1985 and 19 in 1987). A warning/talking to (seven victims in 1983, 19 victims in 1985, and eight in 1987) as well as psychiatric/alcohol treatment (six victims in 1983, nine victims in 1985, and two victims in 1987) were also considered.

In addition, victims were asked if the person should be required to make good directly to the victim for the harm done. The majority of victims (62% in 1983, 56% in 1985, and 59% in 1987) thought the offender should be required to make good directly to them.

Approximately one-third of 1983 and 1985 victims had experienced a similar crime in the past compared to approximately one-half of 1987 victims. Also, an increasing percentage of victims had previously been victimized by another kind of crime (15% in 1983, 25% in 1985 and 41% in 1987). Hence, a significant portion of victims has experienced a crime in the past.

Victims were questioned as to how the police handled the incident. In approximately 75% of the cases in each of the surveys, the victim themselves called the police. Sometimes (23 victims in 1983, 16 victims in 1985, and 11 victims in 1987) a family member called the police while in a few cases a friend, neighbour or stranger first contacted the police.

Victims were questioned as to how quickly the police were called after the crime occurred. The answers varied from less than half an hour to twenty hours or longer. In 1983 and 1985, in 44% of the cases, the police were called within half an hour as compared to 38% in 1987. However, the police were not called until one hour later or longer in 37% of the cases in 1983, 42% in 1985, and 32% in 1987. Thus, elapsed time between the incident and contact with the police varied somewhat.

The 1985 and 1987 surveys further explored the issue of reporting the crime. In 1985, 52% of the crimes were reported between 8 a.m. and 4 p.m. compared to 39% in 1987. On the other hand, 51% of the 1987 cases were reported between 4 p.m. and midnight. Some victims (7% in 1985 and 15% in 1987) called the police between midnight and 8 a.m.

Police response time was also considered. In 25% of the cases in 1985, police arrived in less than 15 minutes compared to 30% in 1987. In fact, in approximately 40% of the cases in both surveys the police arrived within a half hour. In slightly more than 20% of the cases the victim went to the police station. As well, the victim did not expect the police at the scene in some cases (15%

in 1985 and 20% in 1987). Overall, police arrived within the hour in 50% of the 1985 cases and 42% of the 1987 cases. Police response time could influence the victim's perception of the police.

Victims were given a series of statements about possible ways the police could have handled the case. They were then asked to indicate if the statement was true or not true in their case. Table 8 presents the data. Two cautions should be given regarding interpretation of the data. In 1985 and 1987, the option "not applicable/don't know" was provided on the questionnaire; thus a consistently higher percentage of victims in these surveys gave this response. Also, negative wording of three statements in the 1983 survey (e.g. "The officer was not sympathetic to my situation") may have caused some victims to respond differently. These were changed to positive statements in the 1985 and 1987 questionnaires to avoid respondent confusion; however, this change does make it difficult to compare the results for these three statements.

Table 8. General Victims' Perception of Police Performance

		True		Not True		Not Applicable/ Don't Know	
		#	(%)	#	(%)	#	(%)
The police responded quickly after they were told of the crime	1983	129	(70)	51	(28)	4	(2)
	1985	69	(63)	12	(11)	28	(26)
	1987	74	(76)	13	(13)	10	(10)
The officer was polite and courteous to me	1983	170	(92)	11	(6)	3	(2)
	1985	106	(97)	1	(1)	2	(2)
	1987	88	(91)	6	(6)	3	(3)
* The officer was sympathetic to my situation	1983	145	(79)	35	(19)	4	(2)
	1985	94	(86)	12	(11)	3	(3)
	1987	75	(77)	14	(14)	8	(8)
The police made me feel partly responsible for the incident	1983	23	(13)	160	(87)	1	(.5)
	1985	11	(10)	94	(87)	4	(4)
	1987	10	(10)	83	(86)	4	(4)
The presence of the officer made me feel safe and secure	1983	86	(47)	94	(51)	4	(2)
	1985	38	(35)	5	(5)	66	(60)
	1987	35	(36)	7	(7)	55	(57)
The police did all they could to locate and arrest the criminal	1983	111	(60)	52	(28)	21	(11)
	1985	43	(39)	25	(23)	41	(38)
	1987	38	(39)	24	(25)	35	(36)
* I was kept informed of what happened during the investigation of the incident	1983	104	(57)	79	(43)	1	(.5)
	1985	30	(28)	67	(61)	12	(11)
	1987	31	(32)	59	(61)	7	(7)
The police told me about services available to help with problems caused by the incident	1983	25	(14)	159	(86)	0	(0)
	1985	4	(4)	19	(17)	36	(79)
	1987	18	(18)	53	(55)	25	(26)
* The police gave me helpful information on crime prevention	1983	108	(59)	76	(41)	0	(0)
	1985	22	(20)	70	(64)	17	(16)
	1987	19	(20)	65	(67)	12	(13)

* These statements were negatively worded in the 1983 survey, but the responses have been transposed for this Table.

Source: 1983 General Victims of Crime Survey Question 27, 1985 and 1987 Survey Question 29.

The majority of victims thought the police responded quickly when they were told of the crime (70% in 1983, 63% in 1985, 76% in 1987), were polite and courteous (92% in 1983, 97% in 1985, 91% in 1987), and sympathetic (79% in 1983, 86% in 1985, 77% in 1987).

In few instances, (13% in 1983, 10% in 1985, 10% in 1987) the police made the victim feel partly responsible for the incident. The presence of the police officer seemed to have an impact on some victims' sense of safeness and security (47% in 1983, 35% in 1985, and 36% in 1987 indicated the presence of the officer made them feel safe and secure). The above items dealt with victims' perceptions concerning the police officer's attitude.

Other items dealt with victims' perceptions of the police officer's conduct in handling the incident. For instance, victims were questioned as to whether or not the police had made maximum efforts to locate and arrest the criminal. In 1983, 60% of the victims thought the police had done all they could compared to 39% in both 1985 and 1987. A substantial portion of victims, however, responded "don't know" or "not applicable" to this question (11% in 1983, 38% in 1985 and 36% in 1987).

Police may provide victims with information concerning the investigation, services available to help with problems caused by the incident and crime prevention. The data would seem to illustrate that in the majority of cases the police do not provide victims with these kinds of information; however, it should be kept in mind that in some instances such information may not be required by the victim.

The victim's overall perception of the police would appear to be positive. When asked about their overall satisfaction with the way the police handled their case, the majority of victims were very satisfied or satisfied (74% in 1983, 84% in 1985 and 75% in 1987) with a smaller percentage being unsatisfied (26% in 1983, 16% in 1985 and 20% in 1987).

In addition, 1985 and 1987 victims were asked to indicate how police could improve their responses to victims of crime. The most frequent responses in 1985 were to take the incident more seriously and do more about it (nine victims), respond more quickly (seven victims), provide case progress information (five victims) and be more sensitive to and aware of the victim's feelings (three victims). As well, 1987 victims thought the provision of case progress information (five victims), taking the incident more seriously (five victims), and following the victim's leads (three victims) were improvements which the police could make.

Secondary needs (defined previously as the impacts and associated victim needs arising from the way in which the criminal justice system deals with crime victims) may also occur as a result of the victim's contact with the court system. Hence, victims were questioned as to their perceptions of and contact with the court system.

Suspects were identified in slightly more than one out of every three cases (35% in 1983, 37% in 1985 and 41% in 1987). The 1985 and 1987 surveys asked additional questions concerning the court process. In 16 cases in 1985 and 12 cases in 1987, charges were laid. The police laid the charge in the majority of cases (nine in 1985 and seven in 1987). If charges were not laid, the 1987 survey found the main reason was because of a lack of evidence (ten cases). Other reasons included the victims were young offenders (two cases), or the victims did not want charges (two cases).

In those cases where the charges were laid, the 1985 and 1987 surveys explored the issue of contact with the Crown prosecutor. Only two of the 1985 victims (one by phone and one in person) and none of the 1987 victims had talked with the Crown prosecutor at the time of the survey. Two victims in 1985 and three victims in 1987 thought the Crown prosecutor should have talked with them. The 1985 victims discussed court dates and time (two cases), what charges are being laid and why (one case) and development of the case (one case). Suggestions as to how the Crown prosecutor could improve treatment of victims of crime consisted of explaining court procedures (one case in 1987) and providing more information to victims (one case in 1985).

In ten cases in 1985, the case had gone to court for plea compared to five cases in 1987. In 1985, seven of the accused pleaded guilty and one pleaded not guilty. In the other two cases, the victim did not know the plea of the accused. However, in 1987 three pleaded not guilty while two pleaded guilty. None of the 1985 victims and two of the 1987 victims attended court. None of the 1985 or 1987 victims had testified in court at the time of the survey.

In 1987, four victims indicated a sentence had been imposed by the court. All of these victims were aware of the sentence as a result of either hearing the judge give the sentence (two victims) or else reading it in the paper (two cases). In 1985, victims were either told by the police (one case) or read it in the paper (two cases).

The sentences were fines (two cases in 1985 and one in 1987), jail (one case in 1985 and one case in 1987), probation (one case in 1985 and one case in 1987), combined fine and probation (one case in 1987). One 1987 and no 1985 victims received a copy of the probation order. As well, in one instance in 1985 and in one instance in 1987 restitution was ordered.

Satisfaction with the court disposition was mixed. One 1985 victim was satisfied with the court disposition while another was unsatisfied and another undecided. On the other hand, only one of the four 1987 victims where there was a decision was satisfied with the court disposition.

In 1987, all respondents were informed that, in some parts of Canada, Victim Impact Statements (that is, statements about the emotional, physical, and/or financial effects of the crime on the victim) are being used in court at the time of sentencing. The respondents were then asked whether, if their case went to court, they would want to provide information for a Victim Impact Statement. As one might expect, 72 victims (75%) indicated they would want to provide this information. This would seem to suggest that victims would be willing to provide additional information to ensure the effects of the crime are fully understood in the courts. Victim Impact Statements represent one means for victims to enhance the prospects of the court taking their needs into consideration.

Civil suits represent another option for victims to recoup some of their losses. Few (two victims in 1985 and four victims in 1987) had had the possibility of a civil suit mentioned to them. If it was mentioned, it was usually the police who suggested it (one of two victims in 1985 and three of four in 1987).

4. SUMMARY OF FINDINGS & CONCLUSIONS

The following is a point-form summary of the major findings and conclusions resulting from a comparison of the 1983, 1985, and 1987 victim surveys.

* The policy of using photographs as evidence whenever possible and returning victims' property as soon as possible seems to have been implemented by police on P.E.I. to quite a large extent.

* Findings suggest that, if a criminal injuries compensation programme were established on P.E.I., numbers of victims applying and average claim amount would not be large, but such a programme would assist some victims in receiving recompense for injuries inflicted as a result of crime.

* In 1985 and 1987, police seemed to be making a greater effort to provide case progress information to victims, as compared to 1983.

* Although most officers have been issued police cards to give to victims so that they can contact the officer to obtain case progress information, these cards are not being used consistently.

* Findings from the 1987 survey suggest that most victims expect the police to let them know what happened in their case.

* Most victims in the 1987 survey who needed crime prevention information were given this information by the police.

* Most police officers find the Directory of Services for Victims of Crime useful for referring victims to needed services.

* For victims of property theft offences, the most common types of property stolen were motor vehicle parts and accessories, personal property (such as clothes, jewelry, and cameras) and cash.

* In cases involving property damage, motor vehicles and dwellings or other buildings were most likely to have been damaged during the incident.

* The findings suggest that most victims of property loss/ damage do not have adequate insurance to cover their losses.

* The percentage of victims in the three samples who suffered physical injury as a result of their victimization ranged from 11% in 1983 to 18% in 1985 to 13% in 1987. The injuries most frequently reported were: 1) bruises,

black eyes, and scratches; 2) cuts (other than knife wounds; and 3) broken bones or teeth knocked out.

* The percentage of physically injured victims requiring medical/dental treatment ranged from 25% to 62%. Few victims were required to stay overnight in the hospital as most received emergency treatment only.

* For general victims in all three surveys the most common immediate emotional response following the incident was anger (reported by at least 70% of the victims in each survey). The next most frequent immediate reaction was nervousness (reported by more than 30% in each survey).

* Anger and nervousness were also the most common lingering emotional effects, i.e. reactions which lasted several days or more following the incident.

* In most cases, victims discussed the incident with a family member or friend and this discussion was generally helpful to the victim.

* The majority of victims thought the offender should be required to make good directly to them for the harm done.

* In all three surveys, more than 60% of the victims thought that the police responded quickly, more than 90% said the police were polite and courteous, and more than 75% found the police were sympathetic to their situation.

* Most victims (approximately 75%) were either very satisfied or satisfied with the way the police handled their case.

* Suspects were identified in at least 35% of the cases; however, charges were laid in relatively few cases,

primarily due to lack of evidence.

- * Respondents in the 1987 survey were asked whether, if their case went to court, they would want to provide information for a Victim Impact Statement. Seventy-five percent indicated they would want to provide this information.

B. Wife Assault Victims

The following analysis includes general findings from the wife assault surveys and findings related to the recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. which were specific to wife assault victims (#'s 7-16). When appropriate, current findings are compared with findings from research conducted during 1983 for the Study for the Planning of Victim Assistance Services on P.E.I. Findings from the police survey which relate to recommendations #'s 7-16 are also included where appropriate.

The 1983 research included 34 victims of wife assault while the survey conducted during 1985-86 for the monitoring and evaluation study included 59 victims. In both studies, wife assault victims were referred by police across P.E.I. and by Anderson House.

1. DEMOGRAPHIC DATA

The wife assault victims ranged in age from early twenties to over 60 years of age. Although none had completed university, most had at least some high school education (79% of the 1983 sample and 90% of the 1985/86 sample). Most lived in a single house (47% and 54%) or a low-rise apartment (27% and 24%). Household size at the time of the interview ranged from 1-12 persons, but was most heavily distributed in the range of 2-5 persons. The majority of victims (56% and 54%) had at least one child under six years of age living with them.

Many of the wife assault victims were homemakers only during the year they were interviewed (41% in the 1983 study and 46% in the 1985/86 study), but many also worked outside the home (44% and 51%) while the remainder were looking for work except for one victim in the 1983 sample who was a student. Most of those employed worked at service, blue collar, or clerical jobs.

Table 9. Total Family Income for Previous Calendar Year

	1983		1985-86	
	#	(%)	#	(%)
Less than $9,000	15	(44)	10	(17)
$9,000 - $14,999	7	(20)	18	(30)
$15,000 - $19,999	4	(12)	8	(14)
$20,000 - $24,999	2	(6)	8	(14)
$25,000 - $29,999	1	(3)	3	(5)
$30,000 - $39,999	1	(3)	3	(5)
$40,000 - $49,999	1	(3)	0	(0)
$50,000 and over	1	(3)	0	(0)
Don't Know/Refusal	2	(6)	9	(15)
TOTAL	34	100	59	100

Source: 1983 Wife Assault Survey Question 37, 1985-86 Survey Question 51.

Table 9 illustrates the range of family income for both samples. Total family income was under $25,000 for 82% of the victims in the 1983 sample and 74% of the victims in the 1985/86 sample; however, there was some representation from all income levels.

2. FINDINGS RELATED TO RECOMMENDATIONS #7-16

Recommendations #7-16 from the Study for the Planning of Victim Assistance Services on P.E.I. specifically address the needs of wife assault victims.

Recommendation #7 (that police develop a system to identify and count wife assault cases) is related to statistical purposes rather than having any direct effect on victims. This recommendation has been implemented: R.C.M.P. now code wife assault cases separately from other assaults and the municipal police across P.E.I. are keeping more complete statistical records on reported cases of wife assault. This means that it is now easier to obtain an estimate of the reported incidence of wife assault on P.E.I.

During the 1983 study, the number of reported cases of wife assault on P.E.I. was estimated at 156 per year or an incidence rate of 5.8 per thousand per year (including only those cases which were reported to the police). The current research was designed to include referrals of all cases reported to the police on P.E.I. for an eighteen month period (April 1, 1985, to September 30, 1986). Reported cases totalled 123 for 18 months, or an estimate of 82 reported cases per year and an incidence rate of three per thousand per year using the same census figures as in the 1983 study (26,560 husband-wife families on P.E.I.).

In the 1983 study, 46% of the reported cases were from the Charlottetown Municipal Police Department compared to 33% in the current study. The estimated number of cases per year for Charlottetown Municipal during the 1983 study was 72 cases, whereas only 41 cases over 18 months or 27 per year were reported to Charlottetown Municipal during the current study. Using the same census figures (2,675 husband-wife families in Charlottetown), reduces the estimated reported incidence within Charlottetown from 2.7% or 27 per thousand in 1983 to 1% or 10 per thousand for the eighteen month period of the 1985-86 survey.

On both a province-wide basis and within the City of Charlottetown, the reported incidence of wife assault appeared lower in 1985-86 than in the 1983 study. This apparent decrease is supported by remarks from police noting a decrease in reported cases and a decreased occupancy rate at Anderson House during the 1985-86 fiscal year (although this was followed by a temporary upsurge during the summer of 1986).

As the remainder of this report will indicate, there are no apparent reasons why victims would have been more reluctant in 1985-86 than in 1983 to call the police or to seek help from Anderson House. The decrease in reported incidents seems to have been only a temporary phenomenon, however, since informal reports from both the police and Anderson House indicate an increase in wife assault cases during 1987.

Recommendation #8 refers to an amendment to the Mental Health Act which had been passed by the legislature but not proclaimed, and which would remove people abusing alcohol from their homes and place them in treatment facilities. Because of the extensive involvement of alcohol in wife assault cases, (alcohol/drug addiction was reported to be a factor in 74% of the cases in the original study) the Study recommended that the proposed legislation be reviewed with a view to the protection of women and children while carefully considering the human rights issues involved.

After reviewing the proposed legislation, the P.E.I. Committee on Victims of Crime decided that it would not be a feasible solution to the problem, but that there still remains a need for protective mechanisms for wife assault victims.

In some cases, the police are beginning to take the action of removing the abusive partner from the home, or finding him if he has left the scene, and either placing him in jail overnight or taking the necessary steps to have him admitted to a detox unit or psychiatric unit. Forty-nine of the 59 victims (83%) in the current study contacted the police and in nine cases the police, generally R.C.M.P., did remove the assailant. However, in six additional cases, the victim asked the police to remove the assailant and they did not, indicating to the victim that they did not believe they had the authority to do so.

In the police survey, 31 officers (67%) said that when an assault has been committed or is likely to be committed, they have removed the assailant in at least 50% of these cases and placed him in jail, detox, or psychiatric facility. Only two said that they have never removed the assailant and when asked why not said they tried instead to persuade the victim to leave.

The alternative to removing the assailant from the home is most often for the victim and children to leave home. Twenty-nine of the 34 victims (85%) in the 1983 study and 38 of the 59 victims (64%) in the current study took shelter outside their homes following the incident, most frequently at Anderson House. This represents a moderately significant decrease (significant at the 5% level) in the proportion of victims who took shelter outside their homes. This difference could well be due, at least in part, to the police recently taking the initiative in some cases to remove the assailant, instead of the victim, from the home.

In some cases, police intervention, laying charges and removing the assailant temporarily is a sufficient deterrent to prevent further assaults and harassment while the case proceeds through court, but in some cases - often the more serious ones - it is not.

A follow-up survey was conducted with victims when charges had been laid and the court process had not bee completed at the time of the first interview. Out of nine follow-up interviews conducted, five victims indicated that they did have further problems with the assailant. These problems included threats and harassment in three cases, a further assault and threats in one case, and refusing to return the children after a visit in one case.

Discussions about the difficulty of providing protection to wife assault victims often centre around the matter of the victim continuing to live with the assailant. While this situation presents a real dilemma to the criminal justice system, most of the victims interviewed either were not living with the assailant at the time of the incident or did not continue to live with him following the incident. In most cases, the victim did not wish to have any further contact with the assailant although sometimes contact was necessary because of child visitation rights.

In the 1983 victims study, only one of the 11 police-referred victims compared to 21 of the Anderson House referred victims were living with their assailants at the time of the incident. Only 10 of the 23 victims referred by Anderson House contacted the police as a result of this incident and six of those ten waited until they were in Anderson House before contacting the police. The most frequent reasons for not contacting the police were that they didn't think it would help and they were scared of their partner's reaction, or that they had called the police in the past and they wouldn't get involved.

Thus it appeared that wife assault victims living with their assailants were not likely to call the police for help. Also, the extent and type of emotional reactions reported by wife assault victims were more severe than those reported by other victims of crime, pointing to the need for an understanding and sensitive response to wife assault victims. These two factors lead to Recommendation #9 which reads in full:

> A review should be undertaken to determine causes of the apparent reluctance of wife assault victims living with their assailants to call the police. In addition, the adequacy of current police responses to wife assault complaints should be monitored to ensure that all reasonable efforts are being made to support and assist these victims.

In the current sample of 59 wife assault cases, 36 of the victims were living with their assailants and 23 were not. When the two samples are compared, the percentage of victims living with their assailants is very similar (65% in the 1983 sample and 61% in the 1985/86 sample); the slight variance is far from being statistically significant, thus the two samples are similar in this respect.

In the current sample, the police were contacted in 49 out of 59 cases or 83% of the cases, compared with 21 out of 34 cases or 62% of cases in the 1983 sample. The increase in the proportion of victims contacting the police is statistically significant at the 5% level of significance; in other words, the victims in the 1985/86 sample were somewhat more likely to contact the police than the victims in the 1983 sample. Also, except for one case in which the victim had called the police previously and they did not respond, in the current sample the reasons for not calling the police did not reflect negatively on the police response. Compared to the 1983 study, there seems to be less hesitancy to call the police, regardless of whether the victim is living with the assailant or not, and less of a perception that the police will not respond to domestic disturbances.

In the 1983 survey of wife assault victims, the most frequently expressed need (by 91% of the victims interviewed) was for professional help, that is counselling and/or alcohol treatment, for their assailants. The Turning Point group counselling programme for men who batter was begun in May, 1984. Recommendation #10 encourages referrals to Turning Point from police, social workers, other counsellors, and the courts as well as referral for addiction treatment when appropriate.

In the 1985-86 survey, victims were asked what they thought would make their partner or ex-partner stop being abusive. Responses were as follows: help with his addiction/stop drinking - 22 (37%); counselling/Turning Point/psychiatric help - 16 (27%); keeping away from him - 10 (17%); nothing - 6 (10%); not being allowed to get away with it - 2 (3.5%); just a one-time occurrence - 2 (3.5%); and don't know - 1 (2%).

The assailant was referred to Turning Point in only 13 of the 59 cases (22%) in the current survey, as far as the victim was aware. Information about Turning Point was provided most frequently by the victim or in some cases by counsellors. In four of the 13 cases, the assailants chose not to attend the sessions, thus in only 9 cases (15%) the assailant was potentially able to benefit from Turning Point.

None of the victims indicated that police officers referred the assailants to Turning Point. However, in the survey of 46 police officers conducted in 1986, 13 officers (28%) indicated that they had made at least one referral to Turning Point since the programme began.

In the 1983 study, emergency shelter was needed by 85% of the victims, most of whom found this shelter at Anderson House. This led to recommendation #11, stressing the importance of Anderson House to wife assault victims and the need for stable and adequate funding.

Of the 59 victims in the current sample, 39 or 66% sought shelter at Anderson House following the recent incident or at some time in the past. Only one of these victims did not receive the help she needed: she called twice but Anderson House was full both times and the staff did not suggest any alternative (this victim had no family on P.E.I. and nowhere else she could go).

In the 1983 survey, victims were not asked about their level of satisfaction with services provided by Anderson House. In the current survey, all 38 victims who received shelter at Anderson House were either very satisfied or satisfied with the services provided.

Transportation to a safe place to stay was needed by 41% of wife assault victims in the 1983 study and although only two victims had serious difficulty getting to Anderson House, it was noted that neither Social Services nor the police had a clear-cut, consistent policy regarding transportation to Anderson House. Also, lack of available transportation was seen as a possible deterrent for victims from outside the Charlottetown area who would otherwise seek shelter at Anderson House. This resulted in Recommendation #12 which was acted upon in 1984 when Social Services initiated a policy of providing transportation to Anderson House. In the current wife assault victims sample, 29 of the 59 victims (49%) needed help to get to a safe place to stay, but only four of these had to pay for transportation themselves, including two who came from out-of-province.

Access to legal services is an important need of wife assault victims. Twenty-five or 74% of the victims interviewed during 1983 and 38 or 64% of the victims interviewed during 1985-86 (not a statistically significant change) needed information on legal procedures.

Of eight wife assault victims (24%) who sought assistance from Legal Aid during the 1983 survey, only one got the help she needed. The difficulties reported by wife assault victims in obtaining legal assistance led to recommendation #13, that the P.E.I. Department of Justice conduct a review of P.E.I. Legal Aid, with consideration being given to the needs of wife assault victims.

Of the 59 victims interviewed in the 1985-86 survey, 21 (36%) sought help from Legal Aid (not a significant change from the proportion of wife assault victims seeking help in 1983). Seven of these victims were satisfied, but fourteen were not. Thus, a higher percentage of wife assault victims who sought help from Legal Aid - an increase from 13% to 33% - were satisfied with services provided, but the change is not statistically significant and the need has still not been adequately addressed.

Another need identified in the 1983 study was for case progress information from the police, as well as clear information about whether charges were being laid and by whom, or whether a recognizance order or restraining order was being sought (Recommendation #14).

The "What Battered Women Should Know about the Law" brochure, developed by the Justice Resource Service in December, 1983, provides information about legal options. Only one of the 59 wife assault victims in the current sample was given a brochure by the police, but 13 others received it from Anderson House staff or counsellors and all who read it found it helpful.

In the police survey, only 18 officers (39%) indicated that they had read the "What Battered Women Should Know about the Law" brochure and only 6 officers (13%) had ever given any of these brochures to wife assault victims. The most frequent reasons for not distributing the brochure were that the officer had not seen it (14 responses) or that it was not available in the office (8 responses). This finding suggests the need for a renewed effort to familiarize police officers with the brochure and encourage them to distribute it to wife assault victims.

As indicated by Table 12, a higher percentage (although not a statistically significant increase) of wife assault victims were provided with case progress information during 1985-86 than in the previous study, but nine or 25% of the 36 victims who felt they needed case progress information did not receive it and nine others had to call the police themselves or have someone call on their behalf in order to obtain case progress information.

Recommendation #15 stated that the police should lay charges in all cases of wife assault where sufficient evidence is present to substantiate the charges. In the past, police have been reluctant to lay charges themselves and usually left it up to the victim to do so. However, the 1983 research indicated that victims were more likely to proceed through the court process if the police laid the charges and also that fear of retaliation was one of the main reasons for victims not laying charges themselves.

Because the victims interviewed during the 1983 study were often unsure about whether a charge was being laid and who was laying it, reliable information about charging practices is not available from that source. However, information gleaned from police files and court records at that time indicated that in wife assault cases the police were generally leaving it up to the victim to lay charges.

Charges were laid in 26 of the 59 cases (44%) in the 1985/86 victims survey. Police laid the charges in 18 cases (14 involving the R.C.M.P. and four involving municipal police), although in four of these cases the victim thought she had. In eight cases involving municipal police, the victim laid the charges and in three of these cases she dropped them, two because of lack of support from the system and one because of threats of retaliation from the accused. One additional victim, when contacted for the follow-up survey (not completed), advised that she had dropped charges she had laid herself after waiting for several months for the case to proceed through court. In thirteen other cases where charges were not laid, the victims felt they should have been, but again their main reason for not laying charges themselves was fear of retaliation.

In spite of these exceptions, when current practice is compared with charging practices during 1983, it seems that progress is being made, particularly by the R.C.M.P., toward implementing the policy of police laying charges in wife assault cases.

In the police survey, 27 officers (58%) indicated that they usually lay charges in wife assault cases, 11 (24%) that they encourage the victim to lay charges, and 8 (17%) that it depends on the situation. Thirty-six officers (67%) stated that police laying charges in wife assault cases is a good practice.

Recommendation #16 has to do with the difficulty of dealing adequately with wife assault cases in Provincial Court because of time constraints, the Criminal Court setting, and the fact that all other family matters are dealt with in the Family Court Division of Supreme Court, so that families may be involved in the two court levels at the same time. Recommendation #16 suggested that the appropriate personnel work together to establish some mechanisms to help the courts deal effectively with wife assault cases.

Because of the emphasis in the 1983 research on police services (with the exception of the Witness Survey), and the lack of data about the court experiences of wife assault victims, it is not possible to compare findings between the two studies regarding court.

The researcher's impression is that the court process is taking longer now than it was in 1983. Although 26 charges were laid, the court process was finished in only nine cases at the time of the first interview which was usually conducted between one and two months after the incident. Follow-up interviews with thirteen victims were held between five and eleven months later, depending on how long the court process took. (Generally, because of delays in the court process, the researcher called the victim several times before the follow-up interview was held.)

After a not guilty plea and several months' wait for a hearing, one victim requested the Crown drop charges of assault causing bodily harm which the police had laid. (This was a very serious assault, but a first-time incident, not a live-in situation and the victim did not want the accused to have a criminal record.) In another case, charges were dropped without the victim's knowledge and a recognizance order was granted instead. Of the remaining eleven victims interviewed in the follow-up survey, six mentioned delays and postponements resulting in up to a ten-month period (in three cases) between the date of the incident and court disposition.

Several other problems with the court process were mentioned by wife assault victims, in addition to long delays. In one case, the victim had only a few hours' notice of a Family Court hearing for breach of restraining order and had to contact her witnesses herself. Although a charge of assault had been before Provincial Court for approximately ten months, eventually the judge decided that the charge could not be heard because the assailant had been sentenced in Family Court for breaching the restraining order. This case was also reassigned at the last minute to a lawyer who was not a staff Crown Attorney and the victim had no chance to talk with the new prosecutor before court.

Adequate preparation for court is very important to wife assault victims; unfortunately, in four of thirteen cases which went to court during the 1985-86 survey, a substitute Crown Attorney was called in and the victim was not satisfied with the assistance she received. However, the four victims who received assistance from the staff Crown Attorneys were either very satisfied or satisfied with the assistance they received.

In five cases, the victim had to wait for court in the same area as the accused, although in three other cases, the Crown Attorney took the victim to a separate waiting area.

Nine or 43% of the 21 victims whose cases eventually resulted in sentences or recognizance orders were not satisfied with the sentence/order imposed because they felt the sentence was not severe enough. Two victims mentioned that they felt that the accused should have been ordered to attend the Turning Point programme.

3. GENERAL FINDINGS

Nature of Reported Incidents and History of Abuse

When asked to describe in their own words what happened that caused the victim to call the police and/or go to Anderson House, 22 of the 1985-86 victims mentioned that this incident was one in a series of ongoing assaults, four mentioned that the assaults included sexual abuse, and eleven indicated that the incident included property damage.

The incidents frequently involved both physical assaults and serious threats such as threats to kill her, threats with a weapon or physical object, threats to burn down her house, and one attempt to run her car off the road. Physical assaults most frequently involved punching, kicking, slapping, or pushing, but also commonly included throwing the victim or grabbing her around the neck. In one case, the victim was hit repeatedly with a wrench and a broom, in another case the vehicle in which the victim was a passenger was run off the road and she was beaten with a pellet gun until unconscious, and in a third case the victim was burned severely with a cigarette and hot water and pushed under water in a bathtub.

When asked about the history of abuse, 49 of the 59 victims (83%) said that they had been threatened or attacked by the assailant at other times in the past. Table 2 illustrates the frequency and time period of the abuse indicated by 34 of the victims as well as the responses of the other 15 victims who had previously been abused. The conclusion drawn from Table 10 is that the frequency and time period of abuse varies widely from one situation to another, ranging from emotional abuse only to frequent physical assaults for up to 20 years. Nine or 18% of the 49 victims who had been abused more than once mentioned increasing frequency and/or severity of assaults.

Table 10. Frequency and Time Period of Abuse

	Frequency of Abuse				
	Weekly	Monthly	Every few Months	Once Yearly	Row Totals
0-6 months	2	1			3
6-12 months		2	1		3
1-2 years		2	3		7
2-5 years	2	3	2	2	8
5-10 years	1	2	2	3	11
More than 10 years	4	2			2
Column Totals	9	12	8	5	34

Other Responses:	once previously	4
	emotional abuse only/mostly	3
	physical abuse started recently	1
	4 previous incidents (time period not stated)	1
	one previous incident of physical abuse, frequent emotional and sexual abuse during 10 years	1
	several incidents of physical abuse during 10 years	1
	twice during 11 years	1
	during 15 years (frequency not stated)	1
	when he was drinking, during 19 years	1
	often, during 20 years	1
	TOTAL	15

Source: 1985-86 Wife Assault Survey Question 23.

Medical Treatment

Thirteen of the 59 wife assault victims (22%) required medical treatment for injuries suffered in the incident discussed during the survey, and seven additional victims had required treatment following previous incidents. Three of the victims required hospitalization (one for six weeks, one for ten days, and one for eight days). Twelve of the victims were very satisfied or satisfied with the treatment received from medical staff, although one victim was not satisfied because of having to wait two hours for treatment and because of the brusque, gruff attitude of the attending doctor. This case was the exception, however, as most victims did not have to wait long for treatment and were shown consideration and understanding by medical staff.

Living Arrangements

Thirty-six (61%) of the 59 victims were living with their assailant at the time of the incident, 18 (31%) were no longer living with him, and five (8%) never had lived with him. By the time of the first interview, which was usually conducted between one and two months later, only ten (17%) were still living with him.

Of the 14 victims contacted for a follow-up interview several months later, only one was still living with her partner. (She was also the only one of these 14 victims who was still living with her partner at the time of the first interview.) This one-in-fourteen ratio is not surprising, since follow-up interviews were conducted only with those victims whose cases were before the courts and victims still living with their partners are understandably reluctant to take their cases to court.

The fact that 49 of the 59 victims either were not living with their assailant at the time of the incident or did not continue to live with him after contacting the police and/or going to Anderson House contradicts the commonly held perception that wife assault victims frequently stay with or return to their assaultive partners after taking these steps. Some do, of course, but most often when the victim has taken either of these initiatives she is ready to leave the relationship. Leaving will not necessarily stop the abusive behavior, however, as is demonstrated by the 31% of the victims who were no longer living with the assaultive partner at the time the incident occurred.

Child Abuse/Effects of Wife Assault on Children

The effects of wife assault on children who observe this behavior and the possibility that they may themselves be victims of family violence are matters of concern to service providers. Because of this concern Anderson House has recently developed a children's programme with a full-time child care worker and has renovated the attic to serve as a children's space.

Forty-seven of the 59 wife assault victims had children living with them at the time of the incident. Ten of the victims (21%) reported that the children had been threatened or attacked during the incident or at other times by the assaultive partner. This abuse included: being pushed or slapped during the incident in five cases; ongoing abuse in two cases; past physical and sexual abuse of a daughter in one case; and emotional abuse in two cases. The 21% in this study compares with 29% in the 1983 research who reported that their children were threatened, abused, or seriously affected emotionally by the wife abuse.

Following separation, problems related to the history of wife assault may continue to affect the children. Although the research was not designed to statistically document problems occurring around children's visits with their fathers, the following situations were mentioned during the victim interviews: 1) further assaults taking place when the children's father is picking them up or returning them following a visit; 2) using the children as a means of getting back at the victim for leaving, for instance by refusing to return the children after a visit; and 3) the children's past experience of witnessing their father assault their mother causing them to feel anxious and upset about visiting with him.

Emotional Effects & Needs

Similarly to the wife assault victims interviewed during the 1983 research, the victims in the 1985-86 study reported considerable traumatic effects, including reactions immediately following the incident as well as effects lasting for a week or more. Table 11 summarizes both volunteered and prompted responses reported by victims from the two samples.

As illustrated by Table 11, the most commonly reported reactions were similar in the two studies. Common immediate reactions included: "nervous" (85% & 86%), "afraid for own safety" (79% & 78%), "confused or in a state of shock" (79% & 73%), and "crying or shaking" (68% & 78%). The most common lasting effects were: "nervous" (71% & 58%), "angry" (71% & 58%), and "trouble sleeping" (62% & 53%). Four (7%) of the victims in the current study answered affirmatively to all prompted immediate reactions, while three victims (9%) in the 1983 study and five victims (8%) in the 1985-86 study reported no lasting effects, i.e. reactions lasting for a week or more following the incident.

Approximately half the victims interviewed during the follow-up surveys of both studies indicated that several months later they were still suffering from emotional problems resulting from the abuse.

The victims in both samples were asked whether they talked

Table 11. Emotional Reactions Reported by Wife Assault Victims

	1983 Survey Sample size: 34		1985-86 Survey Sample size: 59	
Reactions immediately following the incident	Number Reporting	(Per Cent) Response	Number Reporting	(Per Cent) Response
Volunteered responses:				
Scared/terrified/panic stricken	9	(26%)	18	(31%)
Upset/shaking/crying/humiliated/disgusted	4	(12%)	9	(15%)
Anger/rage/hate	4	(12%)	18	(31%)
Numbness/shock/confusion	6	(18%)	9	(15%)
Sense of relief when she finally decided to leave	1	(3%)	0	(0%)
Hurt	0	(0%)	4	(7%)
Very calm/something carried her through the experience	0	(0%)	2	(3%)
Prompted responses:				
* Nervous	29	(85%)	51	(86%)
* Crying or shaking	23	(68%)	46	(78%)
Angry	23	(68%)	39	(66%)
* Afraid for own safety	27	(79%)	46	(78%)
Afraid for children's safety	20	(59%)	26	(44%)
* Confused or in a state of shock	27	(79%)	43	(73%)
Physically sick or nauseous	7	(21%)	18	(31%)
All of above reactions (included in totals above)	0	(0%)	4	(7%)
None of above reactions (just felt calm)	0	(0%)	1	(2%)
Reactions lasting approximately one week after the incident				
Volunteered responses:				
Tired/depressed/emotionally drained/unable to concentrate	4	(12%)	9	(15%)
Anxiety (panic) attacks	1	(3%)	1	(2%)
Upset when husband phones her	1	(3%)	0	(0%)
Drinking more/taking tranquilizers	0	(0%)	2	(3%)
Bitterness	0	(0%)	1	(2%)
Inability to gain weight	0	(0%)	1	(2%)
High blood pressure	0	(0%)	1	(2%)
Prompted responses:				
* Nervous	24	(71%)	34	(58%)
Crying or shaking	18	(53%)	24	(40%)
Afraid of being alone	16	(47%)	26	(44%)
Afraid of entering her home	13	(38%)	25	(42%)
Afraid of going out at night	13	(38%)	19	(32%)
* Angry	24	(71%)	34	(58%)
Memory loss	5	(15%)	9	(15%)
Confused or in a state of shock	13	(38%)	22	(37%)
Physically sick or nauseous	8	(24%)	10	(17%)
* Trouble sleeping	21	(62%)	31	(53%)
Headaches	19	(56%)	27	(46%)
Lack of appetite	19	(56%)	23	(39%)
None of the above (no lasting effects)	3	(9%)	5	(8%)

* Indicates most common responses

about the incident with a relative or close friend. Twenty-five of the 34 victims (74%) in the 1983 sample reported that they talked with a relative or close friend and an additional six (18%) instead talked with a counsellor, social worker, or Anderson House staff. Twenty-two of these 31 (71%) found that talking about the incident helped, three (10%) said it helped a little and six (19%) said it did not help.

Fifty-seven of the victims (97%) in the 1985-86 sample talked with a friend or relative about the incident. Forty-seven of the 57 victims (82%) found that talking with a friend or relative was helpful, two (4%) found it somewhat helpful, and eight (14%) said it did not help. Forty-three of the victims (73%) talked about the incident with a trained counsellor, most frequently staff from Anderson House.

The increase in victims who talked with a friend or relative about the incident (a change from 74% to 97%) is statistically highly significant, well above the 1% level of significance. The apparent increase of victims talking with a trained counsellor (from 18% to 73%) cannot be compared with certainty, since victims in the 1983 survey were not asked directly whether they talked with a trained counsellor about the incident, but six volunteered this response. Nevertheless, given the highly significant increase in victims who talked with a friend or relative, it is reasonable to conclude that victims of wife assault now feel more open about discussing their situation with someone close to them. This change likely indicates a changing attitude on P.E.I. towards wife assault and a recognition by wife assault victims that it is not something to be kept hidden and is not their fault. Such a change in attitude reflects very positively on the public education efforts of the last several years, particularly by the Transition House Association, but also by other groups such as the Interagency

Committee on Domestic Violence, the West Prince Family Violence Project, Community Legal Information Association and the Victims Committee.

When asked whether there was any other kind of help they needed, nine (26%) of the 34 victims in the 1983 sample mentioned counselling, advice, or follow-up support. Six of the nine (67%) were getting the help they needed through counselling agencies, but two needed follow-up support after leaving Anderson House and one needed advice on what to do in her situation.

In the 1985/86 study, victims were asked specifically about their needs for ongoing emotional support and professional counselling. Forty-three victims expressed a need for ongoing emotional support and 33 (77%) of these victims received this support, (generally from family, friends and Anderson House, including the follow-up support group) but ten (23%) did not receive the ongoing emotional support they felt they needed. Of the 35 victims who expressed a need for professional counselling, 14 or 40% received the help they needed, but five (14%) did not receive it, seven (20%) had not yet received counselling but planned to seek it, and three (9%) were not satisfied with the counselling they received. Professional counselling was most frequently provided by the Community Mental Health Division of the Department of Health & Social Services.

Both the 1983 and 1985/86 studies indicate that most wife assault victims are able to obtain ongoing emotional support and counselling as needed, but some victims do not get sufficient emotional help. The establishment of a follow-up support group at Anderson House and the availability of counselling through Community Mental Health Services both contribute toward the long-term emotional health of wife assault victims, but factors such as geographical distance from Anderson House, counselling services, and/or supportive friends and family; insufficient understanding of the dynamics of wife assault cases on the part of some counsellors; and some victims' hesitancy to seek help when needed result in continued feelings of isolation and depression by some victims.

Police Response

In both the 1983 survey and the 1985-86 monitoring survey, the victims were asked a series of questions about the way in which the police handled their case. Table 12 compares positive responses to these questions. Although there are differences in the percentage of positive responses (some increases and some decreases), none of these changes is statistically significant; thus leading to the conclusion that wife assault victims' perceptions of the police response has not changed significantly between the 1983 and 1985/86 surveys.

Table 12. Wife Assault Victims' Perceptions of the Police Response

	1983 Survey Sample Size: 27*		1985-86 Survey Sample Size: 49	
	Number of positive responses	(%)	Number of positive responses	(%)
Quick police response	18	(67%)	23	(47%)
Polite, courteous officer	23	(85%)	42	(86%)
Sympathetic officer	20	(74%)	34	(69%)
Police made victim feel partly responsible	5	(19%)	9	(18%)
Presence of officer made victim feel safe & secure	22	(81%)	33	(67%)
Police kept victim informed during investigation	11	(41%)	24	(49%)
Police told victim about available services	6	(22%)	18	(37%)

* Includes six victims who had contacted police as the result of a previous incident during past year.

Source: 1983 Wife Assault Victims Survey Question 25, 1985-86 Survey Question 30.

Victims in both surveys were also asked about their general level of satisfaction with how the police had handled their case. Table 13 compares victim satisfaction with the police response for the two surveys. When the qualified responses for both surveys are included with "satisfied" responses, a comparison between "very satisfied/satisfied" and "not satisfied" responses for the two surveys does not result in a statistically significant difference. In other words, no significant change is indicated in wife assault victims' level of satisfaction with police services between the 1983 survey and the 1985-86 survey.

Table 13. Level of Satisfaction with Police Response

	1983 Survey Sample Size: 27		1985-86 Survey Sample Size: 49	
	Number of responses	(%)	Number of responses	(%)
Very satisfied	9	(33%)	17	(35%)
Satisfied	14	(52%)	14	(28.5%)
Not satisfied	4	(15%)	14	(28.5%)
Qualified responses	*3 (included above)		**4	(8.2%)

* Satisfied or very satisfied with police assistance at time of incident, but not when she went to the office to give her statement. - 3

** Not satisfied with system as a whole - 1;
Satisfied with R.C.M.P. but not City Police - 1;
Satisfied except that they did not lay charges/remove him - 2

Source: 1983 Wife Assault Victims Survey Question 24, 1985-86 Survey Question 31.

Practical Considerations

For victims who leave their assaultive partners to live on their own, often with children, finances and housing are two important practical considerations. If they leave their home community, they may also need to change their children's school or daycare. They may seek new or different employment or they may apply for social assistance, perhaps for the first time. All these potential changes are enough in themselves to make leaving a stressful experience, but they may be coupled with the stress of moving away from one's own home and support system, harassment or attempts toward reconciliation by the assaultive partner, and decisions about legal matters such as property settlement and child custody.

In spite of all these potential barriers, eighteen of the 59 victims (31%) in the current survey had already left their assaultive partner at the time of the incident. (In five other cases or 8%, the assault was by a boyfriend or former boyfriend who had never lived with the victim.) By the time the victims were interviewed, usually a month or two following the incident, 26 more victims had left and only ten (17%) were still living with their assailants.

Twenty-one victims (36%) indicated a need for emergency financial assistance. Eighteen received this assistance (thirteen from the Department of Social Services, four from family members, and one from the Lennox Island Reserve), but one was refused by Social Services, one eventually got help from Social Services but not right away when she needed it, and one had not yet applied for financial help when interviewed six weeks after the incident.

Twenty-four victims (41%) needed housing. Twelve victims found housing on their own; six obtained housing with help from friends, family, Anderson House staff, or Social Services staff; one needed help to find housing but didn't get any help; and five were still looking for accommodation. Many wife assault victims locate or re-locate in Charlottetown where inadequate accommodation for single parent families is a widely recognized problem.

The above discussion underlines the importance of providing immediate practical assistance as needed to wife assault victims as well as assisting them in the longer term to become financially independent.

4. SUMMARY OF FINDINGS & CONCLUSIONS

A point-form summary of the findings and conclusions regarding wife assault victims interviewed during 1985/86 and, where possible, a comparison with victims interviewed during 1983 is as follows:

- The rate of reported cases of wife assault was lower in 1985/86 than in 1983; however, this seems to have been only a temporary change.

- In nine cases in the 1985/86 survey the police removed the assailant, instead of the victim (and children), from the home.

- A significantly lower proportion of wife assault victims (64%) in the 1985/86 survey (a decrease from 85% in the 1983 survey) took shelter outside their homes following the incident, a change possibly due in part to the police removing the assailant from the home in some cases.

- While the two samples were similar with respect to the percentage of victims living with their assailants at the time of the incident, a significantly higher proportion of victims in the 1985/86 sample called the police than in the 1983 sample, suggesting less hesitancy to report incidents even when the victim is still living with the assailant.

- As far as the victim knew, the assailant was referred to the Turning Point group treatment program (begun in 1984) in only 22% of the cases studied during 1985/86.

- Anderson House continues to provide essential services to many wife assault victims.

- For the majority of wife assault victims from both surveys who sought help from Family Legal Aid, adequate legal assistance was not provided.

* Police have not been routinely distributing the "What Battered Women Should Know About the Law" brochure to wife assault victims and most officers surveyed had not read it, indicating the need for a renewed effort to familiarize police officers with the brochure.

* There is no significant difference between the two samples of wife assault victims regarding the proportion of victims who were provided with case progress information.

* Compared to 1983, there seems to be progress, particularly by the R.C.M.P., toward implementing the policy of police laying charges in wife assault cases.

* Most officers surveyed (58%) indicated that they usually lay charges in wife assault cases rather than leaving it to the victim to lay charges, and most officers (67%) feel that police laying charges in wife assault cases is a good practice.

* Because of lack of data (in the 1983 survey) regarding wife assault victims' experiences in court, the two surveys cannot be compared in this respect, but for most victims in the 1985/86 survey whose cases went to court, the court process was long and difficult.

* The four victims in the 1985-86 survey who received assistance from staff Crown attorneys were either very satisfied or satisfied with the assistance they received.

* Forty-nine or 83% of the 59 cases in the 1985/86 study involved repeated abuse.

* The frequency, time period, and extent of abuse varied widely from one situation to another.

* Thirteen (22%) of the 59 victims required medical treatment following the incident discussed during the 1985/86 survey.

* Forty-nine of the 59 victims (83%) were either not living with the assailant at the time or left following the reported incident.

* In 21% of the cases in the 1985/86 survey and 29% of the cases in the 1983 survey, the children were also abused or threatened by the assailant.

* The wife assault victims in both surveys suffered considerable traumatic effects, both immediate and lasting for a week or more.

* A significantly larger proportion of victims in the 1985/86 survey (97% compared to 74% in 1983 survey) talked with a friend or relative about the incident, possibly indicating a changing attitude, i.e. that wife assault is not something to be kept hidden and not the victim's fault.

* Most wife assault victims were able to get ongoing emotional support and counselling as needed, but some victims in both surveys did not receive sufficient emotional help.

* A comparison of the 1983 and 1985/86 studies indicates no significant changes in the victims' perceptions of and satisfaction with the police response.

These findings lead to the conclusion that some progress is being made towards improving attitudes towards, services for, and police practices in assisting wife assault victims. Yet there are still further changes needed and gaps in services to be filled before the needs of wife assault victims will be adequately addressed by the criminal justice system on P.E.I.

C. SEXUAL ASSAULT VICTIMS

The Study for the Planning of Victim Assistance Services on P.E.I. did not deal with sexual assault victims separately from general victims. Thus, no comparisons regarding sexual assault victims can be made between the two studies and none of the recommendations pertain specifically to sexual assault victims. The following findings focus on the experiences of sexual assault victims, the services used, and satisfaction with these services.

1. GENERAL FINDINGS

Nature of Reported Incidents

The fifteen sexual assault victims ranged in age from teenagers to over 80 years of age. Two of the victims interviewed were mentally handicapped, including the only male victim in the sample.

The incidents included: one violent rape of an elderly victim involving repeated hitting and choking until unconscious, six rapes by relatives or acquaintances, six attempted rapes including three with violence or threats with a knife, one forced fellatio at knife-point, and one indecent exposure.

Most of the incidents took place either outside (in seven cases) or in the victim's home (in five cases). In all the incidents which took place in the victim's home, the accused was an acquaintance of the victim.

Property loss or damage was included in five cases, although not of large value, i.e. none exceeding $100.

Emotional Effects & Needs

As indicated by Table 14, emotional trauma suffered by the sexual assault victims was severe and lasting, including shock, fear, anger, and trouble sleeping. The one victim who did not suffer lasting effects was the victim of indecent exposure.

Table 14. **Emotional Reactions Reported by Sexual Assault Victims**

1985-86 Survey - Sample Size: 15

Reactions immediately following the incident	Number Reporting	(Per Cent) Response
Volunteered responses:		
In shock/confusion/disbelief	6	(40%)
Scared/nervous/upset	5	(33%)
Embarrassed/felt violated	3	(20%)
Wondered if she'd done something to cause it	1	(7%)
Became very calm, blocked it out, too much to handle	1	(7%)
Dazed from striking head when thrown against wall	1	(7%)
Unable to walk, weak from shock and being choked	1	(7%)
Worried about pregnancy	1	(7%)
Prompted responses:		
* Nervous	11	(73%)
* Crying or shaking	15	(100%)
* Angry	11	(73%)
Physically sick or nauseous	6	(40%)
* Confused or in a state of shock	12	(80%)
Lasting effects		
Volunteered responses:		
Unable to stay by herself at night/deafness	1	(7%)
Depression/suicidal thoughts, self-doubt	2	(13%)
Prompted responses:		
* Nervous	12	(80%)
Crying or shaking	7	(47%)
* Afraid of being alone	12	(80%)
Afraid of entering her home	6	(40%)
Afraid of going out at night	9	(60%)
* Angry	12	(80%)
Memory loss	5	(33%)
Confused or in a state of shock	5	(33%)
Physically sick or nauseous	3	(20%)
* Trouble sleeping	12	(80%)
Headaches	2	(13%)
Lack of appetite	6	(40%)
Fear of pregnancy as a result of the assault	1	(7%)
Fear of infection as a result of the assault	4	(27%)
None of the above (no lasting effects)	1	(7%)

* Indicates most common responses.

Source: 1985-86 Sexual Assault Victims Survey Questions 2 and 3.

When asked how seriously the sexual assault affected their lives, seven (47%) responded "very seriously," four (26%) "seriously," three (20%) "not seriously," and one (7%) "not seriously at all." Given the range of reported incidents, the variation in these responses is not surprising.

The victims were also asked about specific problems which may have arisen in their lives as a result of the sexual assault. Twelve of the fifteen victims (80%) reported problems as follows: mental or emotional suffering in eleven cases; lifestyle changes, e.g. restricting activities, in nine cases; problems with her family in nine cases; losing time from normal activities in eight cases; had to take medication in five cases; decided to move in two cases and wanted to move if she could afford to in three cases; and started drinking by herself in one case.

Twelve of the victims told someone what happened within an hour of the incident, while two victims waited until the next day, and one did not tell anyone until several months later. The first person told was most commonly a friend or neighbour and most victims found that the first person they told was supportive and helpful. While all victims talked to someone close to them about the incident, seven also talked with a trained counsellor, most commonly from the Rape Crisis Centre. When asked which they found more helpful, four responded that they found talking with a friend or relative more helpful, two found the counsellor more helpful, and one found them both helpful in different ways.

Of eleven victims who indicated a need for ongoing emotional support, nine obtained this help from family, friends, or the Rape Crisis Centre, but two did not receive the support they felt they needed. Of the seven victims who sought professional counselling, one was not satisfied with the assistance she received from Community Mental Health Services.

Physical Injuries & Medical Treatment

Bruises were the most common physical effects, although one victim suffered a concussion and the elderly victim who lost consciousness from choking also suffered long-term weakness in her legs and hearing loss.

Nine of the fifteen victims (60%) sought medical treatment. Except for one victim who waited for an hour for her family doctor to arrive at outpatients, the victims did not have to wait long before receiving treatment.

The Sexual Assault Evidence Kit was used in five cases and in all cases the attending medical staff explained the use of the kit either before or during its use. In two cases the medical staff gave the victim a "morning after pill" and in one case the staff provided information about VD. In three cases, the staff suggested further medical follow-up.

The victims were either very satisfied (in three cases) or satisfied (in six cases) with the treatment they received from medical staff, although three victims stated that they found the use of the Sexual Assault Evidence Kit a difficult experience. Two others felt that the medical staff were not as understanding as they might have been.

P.E.I. Rape & Sexual Assault Crisis Centre

Although ten of the fifteen victims had heard of the P.E.I. Rape and Sexual Assault Crisis Centre, only five victims had contacted the Centre at the time of the first interview. The two victims of attempted sexual assault did not think their situation was appropriate since the sexual assault was not actually completed, while the victim of fellatio at knife-point felt that she was over the incident after the first few days. The researcher provided information about the Crisis Centre to those victims who had not already contacted the Centre.

Services provided by the Crisis Centre included accompaniment to the doctor's office, police, the Crown attorney and court as needed. All five victims who contacted the Crisis Centre received counselling services. One victim was referred by the Crisis Centre to Anderson House for safety after she met the accused (an acquaintance who had raped her on two occasions) on the street. Two of the victims indicated that they attended the support group which was started by the Crisis Centre during the time period of the study.

Four victims were very satisfied with the services offered by the Crisis Centre and one was satisfied, but suggested that the volunteer assigned to assist her could have provided more information and returned her phone calls. Other suggestions offered were: there should be more publicity about the Crisis Centre so that more people would be aware that it exists; and the Crisis Centre volunteers should ask questions rather than leaving it to the victim to tell everything that happened.

Repeat Victimization/Relationship to Accused

In only seven (47%) of the sexual assault cases was the offender a stranger to the victim. Six of the offenders were acquaintances of the victim and two were relatives (one brother and one grandfather).

Four of the victims had been victims of the same offenders in the past but had not reported the previous incidents to the police. A question to consider is whether, because they did not report the first incident to the police, these victims were perceived as especially vulnerable by the offenders who perhaps thought that if they got away with it once they could do it again. Also, waiting until a second incident occurred before reporting could be interpreted as an indication of sexual assault victims' hesitancy to report incidents to the police.

Four victims had been victims of similar crimes by other offenders so that eight victims in all (53%) were subject to repeat victimization. The high percentage of repeat sexual assault victimization seems even more startling given that none of the victims indicated that they had ever been victims of any other type of crime.

Offender Punishment/Treatment Issues

When the victims were asked what the offender deserved for what he had done, their responses seemed to correlate, when studied on a case by case basis, with the severity and circumstances of each incident.

Nine victims thought the offender should be sent to prison; the longer sentences were suggested by those who had been raped and shorter sentences by victims of attempted sexual assaults. The two victims who had been sexually assaulted by relatives emphasized treatment or prevention of further incidents, one stating that her grandfather should be kept in the nursing home to prevent him from molesting other children, and the other stating that her brother needs help and should receive counselling. A victim who had been raped in two separate incidents by the same offender stated that he should be emasculated, while a victim of two separate attempted sexual assaults by someone with whom she had had a previous relationship said that he should be ordered to take treatment for his drinking problem. Another victim of attempted rape with violence thought that the offender should be made to understand what she went through, what it felt like to be violated in such a way. The victim of indecent exposure felt that he should at least have been charged with the offence and a victim who was grabbed around the breasts and waist from behind by a stranger said it was up to the courts to decide what he deserved.

Police Response

All fifteen sexual assault victims called the police regarding the incident, but in two cases it was approximately six months later when the police were contacted.

In eleven of the fifteen cases a suspect was identified, but charges were laid by the police in only six cases. In two cases charges were not laid because the victim had a previous relationship with the offender; in the indecent exposure case the accused said it must have been a mistake and the police apparently believed him; in the case in which the grandfather was the assailant, the victim did not wish to have him charged; and in one case the reason was not stated, but the incident (rape) had not been reported to the police until six months later.

Table 15 indicates the victims' perceptions of the police response, based on a series of statements which the victims indicated were true or not true for them.

Six of the sexual assault victims were very satisfied with the police response, five were satisfied but four were not satisfied. Suggestions for improvement included: greater understanding and sensitivity towards sexual assault victims, for instance, by going to the victim's residence instead of insisting that she go into the police station to make her report; taking such incidents more seriously and being more supportive and helpful; more patrols of city streets at night; laying charges; informing victims about the Rape and Sexual Assault Crisis Centre; and providing more information about charges laid and case progress information.

In summary, sexual assault victims' perceptions of the police were mixed: some felt they had been treated well and the police had done as good a job as they could have while others felt there was considerable room for improvement.

Court Process

The court process was initiated in six (40%) of the fifteen cases. Three victims were interviewed a second time after the court case was completed, one victim could not be reached for follow-up although the Rape Crisis Centre advised that the case had been completed in court, and two cases were still

Table 15. Sexual Assault Victims' Perceptions of Police Response

Sample size: 15

	True	Per Cent	Not True	Per Cent	Other	Per Cent
Quick police response	9	(60%)	1	(7%)	N/A-5	(33%)
Polite, courteous officer	13	(87%)	1	(7%)	True but officer at desk not helpful	(7%)
Sympathetic officer	12	(80%)	3	(20%)		
Police made victim feel partly responsible	2	(13%)	13	(87%)		
Presence of officer made victim feel safe and secure	12	(80%)	3	(20%)		
Police did all they could to locate and arrest criminal	11	(73%)	3	(20%)	N/A-1	(7%)
Police kept victim informed during investigation	6	(40%)	7	(47%)	Victim kept calling police - 2	(13%)
Police told victim about available services	4	(27%)	11	(73%)		
Police gave crime prevention information	3	(20%)	12	(80%)		
Officer did not believe victim's description of incident	1	(17%)	9	(60%)	Not sure-5	(33%)

Source: 1985-86 Sexual Assault Victims Survey Question 21.

before the court as of December, 1986. One of these concerned a rape which occurred in July, 1985, and had been through preliminary hearing, but the trial had been postponed until April, 1987.

Only two victims had talked with the Crown attorney by the time of the follow-up survey. In both cases, the Crown attorney had talked with the victim prior to the court date, explained court procedures, helped the victim prepare as a witness, explained what charges were being laid and why, and thoroughly explored and developed the case. Both victims were very satisfied with the treatment they received from the Crown attorney and one mentioned that she found him very understanding, helpful and concerned.

In one case, after several postponements over a seven-month period, a prison sentence of 4½ years was imposed. This case was the violent rape of the elderly woman who was hit repeatedly and choked until unconscious. This victim suffered most severely, both emotionally and physically, and she was not satisfied with the sentence imposed. The police were very helpful and considerate to this victim, her family provided considerable support, and she was spared the embarrassing ordeal of testifying in court; yet she still felt disappointed by the criminal justice process and felt that her difficulties had been given no consideration by the court. Even restitution of $200 to pay her medication costs and/or criminal injuries compensation for pain and suffering would have been of some help.

In one case, the victim had testified at the preliminary hearing, waited several months before a trial date was set, then the accused had pleaded guilty at the trial approximately one year after the incident. The victim found the waiting very stressful and felt that she could not get on with her life until it was over. At the time of the follow-up survey, a sentence had not yet been imposed.

In the third case, the accused had pleaded guilty but at the time of the follow-up interview, the victim had not yet been informed of the sentence.

2. SUMMARY OF FINDINGS AND CONCLUSIONS

A summary of the findings from the sexual assault victims survey is as follows:

* In the fifteen cases studied, the seriousness of the crimes varied, but most included rape or attempted rape, often with violence.

* Emotional effects suffered by the sexual assault victims were severe and lasting.

* The sexual assault victims were generally satisfied with the treatment they received from medical staff.

- The victims who contacted the P.E.I. Rape and Sexual Assault Crisis Centre were satisfied with the assistance they received.
- A slight majority (53%) of the victims were acquainted with or related to the offender.
- Eight (53%) of the victims had been victims of similar incidents in the past, four of them by the same offender.
- Most of the victims felt that the offender deserved a prison sentence.
- Although a suspect was identified in eleven of the fifteen cases, the police laid charges in only six cases.
- Most victims were satisfied or very satisfied with the police response, but four (27%) were not.
- The court process is particularly stressful for sexual assault victims and often takes a long time.

Although the number of sexual assault victims interviewed was small, the findings clearly underline the special needs of these victims and the necessity of assisting them with compassion and understanding if they are not to feel that they have been victimized a second time by the criminal justice process itself.

D. COMMERCIAL/INSTITUTIONAL VICTIMS

This section compares findings from the survey of 71 commercial/institutional establishments conducted as part of the Study for the Planning of Victim Assistance Services on P.E.I. with findings from a 1985 survey of 55 commercial/institutional victims and a 1987 survey of 83 commercial/institutional victims conducted as part of the monitoring and evaluation study. The analysis includes findings pertaining to recommendations

#1, 2, 4, and 5 from the Study and general findings.

1. FINDINGS PERTAINING TO RECOMMENDATIONS #1, 2, 4, & 5

One of the recommendations (#1) made as a result of the 1983 survey was to order restitution whenever possible as well as ensuring orders are enforced. The research illustrates that restitution was ordered in 6 of the 13 cases where there was a sentence in 1983, in no cases in 1985 where only 4 cases resulted in sentences, and in 2 of the 3 cases in which there was a sentence in 1987. It was enforced in three cases in 1983 while it had not been enforced as of the date of the survey in 1987. Restitution is generally considered appropriate in cases involving property loss or damage where an offender could reasonably be expected to be able to make restitution. The numbers are too small to result in definite conclusions.

Another means for victims to recover losses is to initiate a civil suit. However, when the question was raised in the 1985 and 1987 surveys, only 2 victims in each survey had been informed of the possibility of a civil suit and were considering it. Thus, while a civil suit may be a possibility, few victims were actively exploring this option.

Recommendation #2 suggested that police should photograph recovered goods to use as evidence. The 1983 research had concluded that photographing of evidence was rarely used by the police even though it facilitated the prompt return of goods to the victim.

In four cases in 1985, evidence was photographed and returned to the victim. However, in 1987 in 18 of the 83 cases, the police took photographs of the victim's property for evidence. This clearly demonstrates that photographing evidence has become a more popular option since the time of the original research perhaps because of the work of the Victims Committee in promoting the practice.

As well, it would appear that the police are holding the property as evidence for shorter periods of time as Table 16 illustrates.

Table 16. Length of Time Police Retained Property

	1983		1985		1987	
	#	(%)	#	(%)	#	(%)
Less than 1 month	1	(11)	1	(25)	4	(33)
1-2 months	3	(33)	1	(25)	1	(8)
3-4 months	3	(33)	0	(0)	0	(0)
5 months or longer	1	(11)	0	(0)	1	(8)
No answer	1	(11)	0	(0)	0	(0)
Police still holding	0	(0)	2	(50)	5	(42)
Do not want property	0	(0)	0	(0)	1	(8)
TOTAL	9	99*	4	100	12	99*

* Percentages may not add to 100 because of rounding.

Source: 1983 Commercial/Institutional Survey, Question 19B, 1985 and 1987 Question 19C.

In 1987, property was held by police for less than a month in 33% of the cases, compared to 25% in 1985 and 11% in 1983. Police at the time of the 1987 survey were still holding some (5 victims) property. Nevertheless, it is encouraging that the photographing of property as evidence is occurring more frequently along with a reduction in the amount of time property is being held by the police.

The police also play an important role in the provision of case progress information (recommendation #4) which was identified as an area requiring improvement. The research found that 36 (53%) of 1983 victims were kept informed of what happened during the investigation of the incident compared to 22 victims (42%) in 1985 and 36 victims (45%) in 1987. The results (although not statistically significant) illustrate the continuing need to improve the provision of case progress information to the victim.

One means of improving access to case progress information is to provide cards containing the police officer's name and address. These cards, developed by the Victims Committee, were distributed to police across the province. Consequently, both 1985 and 1987 victims were questioned as to whether they received a card. Six victims in 1985 had received a card; two of these used it to obtain case progress information. In 1987, 12 victims were provided with a card which was used by 4 victims to obtain information regarding the case. This finding indicates that the police are not consistently providing cards to victims.

Another responsibility of the police officer is to provide crime prevention information (recommendation #5) to help reduce the likelihood of further incidents. The 1983, 1985 and 1987 surveys of commercial/institutional victims revealed that a higher percentage of 1987 victims (38%) had been provided with crime prevention information from the police than either 1983 (29%) or 1985 victims (23%). The research, then, suggests that police are more frequently providing crime prevention information than was the case previously.

2. GENERAL FINDINGS

Types of Crime

Police were asked to indicate on the Victim Information Forms the types of crimes reported by commercial/institutional victims. Theft (including shoplifting) was most frequently mentioned in 1983 and 1985, while property damage was the most often mentioned crime in 1987. Theft (including shoplifting), break, enter and theft as well as property damage were the three crimes which accounted for at least 80% of the crimes reported by respondents in each of the three surveys. Table 17 presents the data.

Property Loss and Damage

Victims were asked to identify if any property was stolen at the time of the incident. The majority (68% in 1983, 72% in 1985 and 57% in 1987) of victims had had property stolen in the incident. Stolen property ranged from stereo and television

Table 17. Types of Crimes Reported

	1983		1985		1987	
	#	(%)	#	(%)	#	(%)
Theft (including shoplifting)	28	(39)	18	(33)	23	(28)
Fraud, false pretences	4	(6)	6	(11)	13	(16)
Break, enter and theft	15	(21)	16	(29)	17	(21)
Property damage	22	(31)	15	(27)	24	(29)
Miscellaneous	2	(3)	0	(0)	0	(0)
Break and enter	0	(0)	0	(0)	6	(7)
TOTAL	71	100	45	100	83	101*

* Total may not add to 100 because of rounding.

Source: Victim Information Forms for 1983, 1985, and 1987 Surveys.

sets to gasoline. Money was the most frequently stolen item in 1983 (8 victims), while stereos/television sets were popular stolen items in 1985 (5 victims) and in 1987 (8 victims).

The value of the stolen goods ranged from under $25 to over $1,000. Approximately 60% of the stolen property was valued at less than $500. Twenty-six percent of 1985 victims and 23% of 1987 victims reported the value of stolen property at over $1,000 compared to 15% of 1983 victims.

Some (20 in 1983, 16 in 1985 and 21 in 1987) victims replaced the stolen property. Fifty-five percent of these 1987 victims reported a cost of more than $500 to replace stolen property, compared to 27% of the 1985 victims and 26% of the 1983 victims.

In many instances, property, most often windows and doors, was damaged during the course of the incident. On average, 1985 victims spent $548 to repair or replace damaged property while 1987 victims reported $783 in costs. (Average cost for 1983 was not available.)

Commercial/institutional victims in all three surveys in most instances did not recover their losses through insurance. In fact, 42 (50%) of the 1983 victims, 25 (48%) of the 1985 victims, and 42 (53%) of the 1987 victims were not covered by insurance. It is interesting to note, however, that there were 4 (6%) victims fully insured in 1983, 8 (15%) in 1985 and 14 (18%) in 1987 which would seem to suggest that some victims are purchasing more insurance.

When questioned as to whether or not they had been victims of similar incidents over the past year,more than 50% of the respondents in all three surveys had been. Moreover, 1985 victims (73%) were more likely than either 1983 (61%) or 1987 (56%) to have experienced at least one similar occurrence. For those commercial/institutional victims who had experienced similar incidents, usually there had been less than five occurrences during the year. Nevertheless, the number of incidents, the insufficient insurance coverage, along with the net losses from each incident indicate that criminal activity results in a financial burden for commercial establishments and institutions.

Court and Sentencing

In addition to exploring the victims' previous experience with crime victimization and the financial burden, questions were also raised concerning the courts and sentencing process.

To the victim's knowledge, a suspect was identified in 47% of 1983 cases, 39% of 1985 cases and 44% of 1987 cases. Charges were laid in 67% of the 1983 cases in which a suspect was identified, 38% of 1985 cases and 36% of 1987 cases. In each of the surveys, one of the most frequent reasons why suspects were not charged was lack of evidence. Other reasons included: the property was returned, informal restitution was arranged, and the suspect was a young offender.

Data were also obtained on the victim's involvement in the court process. At the time of the survey, few victims had attended court in connection with the incident (four 1983 victims, two 1985 victims, no 1987 victims). Only two 1983 victims were witnesses while none of the 1985 and 1987 victims were witnesses.

The victim's perception of the sentence differed between 1983, 1985 and 1987. The majority of 1983 victims (9 or 70%) thought the sentence was too lenient. Yet 3 of 4 1985 victims where the suspect was sentenced thought the sentence was about right and 2 of 3 1987 victims where the suspect was sentenced felt the same way.

Responses as to how the court could be more helpful were similar. The most frequent responses in all three surveys were the imposition of stiffer penalties followed by increased use of restitution.

Police Response

Questions were also raised with victims concerning the handling of the incident by the police.

Overwhelmingly, 1983, 1985 and 1987 commercial/institutional victims were satisfied with police performance. Table 18 clearly demonstrates this perception.

The vast majority of victims thought the police responded quickly (more than 80%) and were polite and courteous (more than 90%). A higher percentage of 1987 victims thought the police did all they could to locate and arrest the criminal as compared to 1983 or 1985 victims.

The remaining statements concerned the police officers' provision of information. Victims indicated that police officers provided information concerning what happened during the investigation in approximately half the cases in each of the three surveys. It is encouraging to note that a higher percentage of 1987 victims were told about services and crime prevention than in 1983 or 1985.

There is other evidence as to the positive attitude towards the police. Victims were asked if they would report an incident to the police if it occurred in the future. All 1985 and 1987 victims indicated they would report the incident along with

Table 18. Commercial/Institutional Victims Perception of Police Performance

Statement		#	%	#	%	#	%
		True		Not True		Don't Know	
The police responded quickly after they were told of the crime.	1983	59	(83)	8	(11)	4	(6)
	1985	49	(94)	1	(2)	2	(4)
	1987	70	(86)	3	(4)	8	(10)
The officer was polite and courteous.	1983	68	(96)	1	(1)	2	(3)
	1985	53	(100)	0	(0)	0	(0)
	1987	73	(91)	1	(1)	6	(8)
The police did all they could to locate and arrest the criminal.	1983	33	(48)	7	(10)	29	(42)
	1985	29	(55)	3	(6)	21	(40)
	1987	48	(60)	7	(9)	25	(31)
I was kept informed of what happened during the investigation of the incident.	1983	36	(53)	30	(45)	1	(1)
	1985	22	(42)	24	(46)	6	(12)
	1987	36	(45)	39	(49)	5	(6)
The police told me about services available to help with problems caused by the incident.	1983	9	(15)	46	(75)	6	(10)
	1985	9	(17)	23	(44)	20	(39)
	1987	23	(29)	41	(51)	16	(20)
The police gave me helpful information on crime prevention.	1983	19	(29)	40	(61)	7	(11)
	1985	12	(23)	25	(47)	16	(30)
	1987	30	(38)	32	(41)	17	(22)

Source: Question 9 of the 1983, 1985, and 1987 Commercial/Institutional Victim Survey.

92% of 1983 victims. This illustrates the generally favourable attitude of commercial/institutional victims towards the police. Nevertheless, victims suggested that the police should keep victims informed of case progress/outcomes. Increasing patrols in selected areas and laying charges more often were suggestions which could prevent the occurrence of other incidents. As well, provision of crime prevention information could help to reduce future incidents.

Crime Prevention

Commercial/institutional victims were asked if they had taken any new crime prevention measures since the incident. Almost

73% of 1987 victims had implemented crime prevention measures since the incident compared to 38% of 1985 and 49% of 1983 victims. Clearly, 1987 commercial/institutional victims are attempting to better protect themselves by implementing new crime prevention measures along with being more likely to take out insurance. New measures that had been taken by victims included upgrading doors, windows and locks, (6 victims in 1983 and 1985, 10 in 1987) implementing various procedural changes, (16 in 1983, 4 in 1985 and 17 in 1987) along with installing an alarm system (5 in 1983, 1 in 1985 and 3 in 1987). Other measures such as improved surveillance of property, bars on windows and improvement of lighting were mentioned as well.

3. SUMMARY OF FINDINGS & CONCLUSIONS

Findings and conclusions from the commercial/institutional victims surveys are summarized as follows:

* Photographing of property as evidence has been occurring more frequently in 1987 than in 1983 or 1985 and the amount of time property is being held by the police appears to be reducing as well.

* The provision of case progress information continues to be an important need of commercial/institutional victims.

* Commercial/institutional victims in the 1987 survey were more frequently provided with crime prevention information than in the 1983 survey.

* Theft (including shoplifting), break, enter and theft, and property damage are the most frequent crimes reported by commercial/institutional victims.

* The most frequently stolen items were money, stereos and television sets while the most frequently damaged items were windows and doors.

* Although approximately half the victims in each of the surveys were not covered by insurance, the percentage of commercial/ institutional victims who were fully insured increased from 6% in 1983 to 15% in 1985 to 18% in 1987.

* The number of incidents reported by each commercial/institutional victim each year, the insufficient insurance coverage, and the net loss from each incident indicate that criminal activity results in a financial burden for commercial establishments and institutions.

* Although suspects were identified in approximately 40% of the cases in each survey, charges were often not laid, primarily because of lack of evidence.

* The most frequent suggestions for improvement of the court process were the imposition of stiffer penalties and increased use of restitution.

* The vast majority of commercial/institutional victims in each survey found that the police responded quickly and were polite and courteous.

* All victims in the 1985 and 1987 surveys and 92% of victims in the 1983 survey indicated that they would report any future incidents to the police.

* A high percentage (73%) of 1987 victims compared to less than half of the 1983 and 1985 victims had implemented crime prevention procedures since the incident, indicating that an increasing number of commercial/institutional victims are attempting to protect themselves from future occurrences.

E. CROWN WITNESSES

The 1987 witness survey was a mail-out survey resulting in a sample of 85 respondents. The following analysis compares results of the 1987 witness survey with a 1983 telephone survey of 81 witnesses. Twenty-three of the witnesses (27%) in the 1987 survey and 18 of the witnesses (22%) in the 1983 survey were the victims of the crime in question.

1. Demographic Data

Data were collected on some personal characteristics of the respondents. Males outnumbered females in both surveys (82% to 18% in 1983 and 57% to 43% in 1987).

The majority (57%) of 1987 witnesses were under the age of 26 with an average age of 29. The 1983 witnesses, on the other hand, were older as only 39% were under the age of 26. The following table presents the data.

Table 19. Age of Witnesses

	1983		1987	
	#	%	#	%
Under 18	2	3	9	11
18-20	7	9	13	15
21-23	10	12	11	13
24-26	13	16	13	15
27-29	2	3	5	6
30-32	7	9	7	8
33-35	7	9	2	2
36-38	3	4	5	6
39-41	5	6	1	1
42-45	6	7	6	7
46-50	6	7	3	4
51-55	4	5	1	1
56-60	3	4	1	1
61-65	4	5	2	2
66+	2	3	2	2
Missing	--	--	4	5
TOTAL	81	102% *	85	100%

* Percentages do not sum to 100% because of rounding.

SOURCE: 1983 Witness Survey - Question 37
1987 Witness Survey - Question 20

Marital status data are consistent with the age data as fewer of the 1987 witnesses (44%) were married or in a common law relationship compared to 1983 witnesses (63%).

English was the mother tongue for 94% of the witnesses in both surveys. As well, the educational levels were almost identical at the completed high school level and higher levels. Most of the 1987 respondents were quite highly educated, 20 (25%) having attended university, 13 (16.5%) having attended technical/community college and 19 (24%) having completed high school.

With respect to labour market status, the younger 1987 sample of witnesses were much less likely to be employed full time (82% in 1983 and 40% in 1987) and much more likely to be students (25% in 1987 as compared to 7% in 1983).

The characteristics of 1983 witnesses are:
- males (82%);
- over the age of 27 (60%);
- married (63%);
- with English as a mother tongue (94%);
- with some high school (26%); and
- employed full time (82%).

However, the picture of 1987 witnesses differs somewhat:
- males (57%);
- under the age of 26 (57%);
- single (44%) or married (44%);
- with English as a mother tongue (94%);
- completed high school (24%); and
- employed full time (40%) with 28% employed part time and 25% students.

2. Findings Pertaining to Recommendations # 17 & 18

One of the recommendations (#17) emanating from the 1983 Victims of Crime survey was that a "witness information brochure should be distributed with each witness subpoena." This recommendation was made because approximately one-third of the 1983 witnesses interviewed indicated that more information about court procedures would have been helpful to them in understanding their role. Hence, the Victims Committee and Community Legal Information Association prepared a Guide for Witnesses which was to be distributed with subpoenas beginning in December, 1985. As well, the brochure was distributed to all police departments/ detachments and Community Legal Information Association has been making them available to the general public.

Thus, the 1987 witness survey included questions concerning the Guide for Witnesses brochure in order to ascertain whether or not the problem of a lack of information about court procedures had been corrected.

Specifically, witnesses were asked "If you received a subpoena, was a Guide for Witnesses brochure attached to it?" Of the 83 witnesses who received subpoenas, only 7 (8%) indicated that a Guide for Witnesses had been attached while the majority (75 respondents or 90%) said it was not attached. One witness could not remember if it was included. Although the Guide for Witnesses brochure has been prepared, it would appear that it is not being used consistently.

Respondents were also asked to rate the helpfulness of the Guide for Witnesses brochure. In total, 7 respondents indicated they had read the brochure with 3 finding it very helpful, 3 finding it somewhat helpful and 1 suggesting it was not helpful because it was difficult for teenagers to understand. Overall, then, 6 out of 7 respondents found the brochure to be helpful.

Given the small number of respondents who read the brochure, it is difficult to ascertain whether or not it is meeting the needs of witnesses. The reasons why the Guide for Witnesses brochure is not being attached to the subpoena should be further explored if witnesses are to be provided with information on court procedures which previous research suggested was necessary.

Recommendation #18 was also aimed at providing witnesses with additional information. This recommendation suggested that subpoenaed Crown witnesses should be sent a letter from the office of the Crown Prosecutor informing them of the outcome of the trial and thanking them for their co-operation. Because of a lack of general support for this recommendation, the Victims Committee has not proceeded with implementation.

Discussion of recommendation #18 led the Victims Committee to consider other needs and issues related to witnesses, particularly witness fees, separate waiting areas and communication regarding change of plea so that witnesses do not waste time going to court unnecessarily. The work of the Victims Committee has resulted in a standardization of witness fees across the province; in most jurisdictions this has resulted in a significant increase in witness fee rates.

Witnesses in 1987 were asked to indicate the costs of the court appearance. In total, 14 witnesses indicated a loss of income, 21 reported transportation/parking costs, 4 had child care costs and 4 indicated other costs. On average, 1987 witnesses spent $13 on child care and $22 on transportation and parking. As well, an average of $8 was spent on other incidental expenses such as meals. The loss of income ranged from $12 to $150 with an average loss of $66 which was below the $89 reported in 1983. This lower average is perhaps a partial result of the fact that 78% of 1987 witnesses spent a half day or less at court compared to 66% of 1983 witnesses.

Witness fees can offset some of the expenses; however, 19 (23%) of the 1987 witnesses and 24 (30%) of the 1983 witnesses had not received any witness fee at the time when the questionnaire was completed. Some of these witnesses from both surveys may have received the fee at a later date. The 1987 survey found that 10 witnesses felt the fee did not cover their costs while 44 felt that it did.

As a result of the efforts of the Victims Committee, the fee schedule for witnesses has been standardized across the province as follows: $20 per half day; $40 per full day; $75 per half day for expert witnesses. Previously, the rate was $10/half day and $50/half day for expert witnesses in all jurisdictions except Summerside Municipal Police which previously used the higher rates now standardized across the province.

3. GENERAL FINDINGS

Time Relationships

Data were collected on the time lapses which occurred between the date of the crime and the date the subpoena was received. Table 20 shows the 1983 and 1987 time lapses as recalled by the respondents.

Table 20. Time Lapse Between Date of Crime and Receipt of Subpoena

	1983 Survey		1987 Survey	
	#	%	#	%
Less than 1 month	14	(17)	15	(18)
1 month	17	(21)	22	(26)
2 months	7	(9)	14	(17)
3 months	7	(9)	13	(15)
4 months	5	(6)	3	(4)
5 months			4	(5)
6 months	2	(3)	2	(2)
7-9 months	6	(7)	2	(2)
9 months-1 year	5	(6)	2	(2)
More than 1 year			6	(7)
Don't know	7	(9)	0	(0)
Didn't receive subpoena	11	(14)	2	(2)
TOTAL	81	(100)	85	(100)

Source: 1983 Witness Survey - Question 4
1987 Witness Survey - Question 2A

In both surveys, a one-month time lapse between the date of the crime and the receipt of the subpoena was the most frequent response. The 1987 respondents recorded shorter time lapses than did 1983 witnesses. For instance, 6 1983 witnesses indicated 7-9 months elapsed while only 2 1987 witnesses recalled the same time frame. In 56% of the cases in 1983 and in 78% of the cases in 1987, 3 months or less elapsed between the date of the crime and the receipt of the subpoena.

The results would seem to suggest that the court system is providing subpoenas more quickly. However, one must be cautious in interpreting these results because of the differing methodology. In 1983, witnesses were interviewed via the telephone while in 1987, witnesses completed the questionnaire at home. Thus, 1983 witnesses may have answered the question quickly without giving it careful consideration while 1987 witnesses, because they had time to think about it, may have more accurately identified the time lapse.

Another time lapse between the receipt of the subpoena and the court date was also explored. The following table demonstrates that 1987 respondents generally indicated a longer time frame than 1983 respondents; for instance, 53% of 1983 witnesses went to court within 2 weeks while only 41% of 1987 witnesses remembered that to be the case. However, the difference is not statistically significant.

It is interesting to note that 1987 witnesses received their subpoenas more quickly than 1983 witnesses but waited longer between the subpoena and the court date.

Receipt of the Subpoena

One of the first issues addressed in each survey was how witnesses were informed that they were to appear in court. As one might expect, the majority (86% in the 1983 survey and 96% in the 1987 survey) learned through a subpoena while 11 witnesses in 1983 and 2 witnesses in 1987 were informed by the police without being subpoenaed.

Table 21. Time Lapse Between Receipt of Subpoena and Court Date

	1983 Survey		1987 Survey	
	#	%	#	%
Less than 1 week	11	(16)	8	(10)
1-2 weeks	26	(37)	26	(31)
3-4 weeks	20	(29)	29	(35)
5-6 weeks	4	(6)	10	(12)
7-9 weeks	1	(1)		
3-4 months	1	(1)	2	(2)
5-6 months	0	(0)	1	(1)
All other	0	(0)	2	(2)
Don't know	0	(0)	1	(1)
TOTAL	70	(100)	83	(100)

Source: 1983 Witness Survey - Question 5
1987 Witness Survey - Question 2B

Another question asked of witnesses was how the subpoena was delivered. In both the 1983 and 1987 surveys the police officer in approximately 93% of the cases was the person who delivered the subpoena. Other means, such as the sheriff or the mail system, were used infrequently.

Questions Asked by Respondents

In the 1983 survey, witnesses were queried as to whether they asked any questions of the person (almost always the police) delivering the subpoena. Eleven witnesses asked questions as follows: whether they would have to go to court (5 respondents), about the subpoena (3 respondents), whether the stolen property would be returned (2 respondents), what would happen if the witness could not go to court when required (1 respondent), and about court procedures (1 respondent). The 1983 respondents were also asked if they contacted anyone in the criminal justice system after receiving the subpoena. Six respondents contacted someone and asked the following qeustions: about the date and time of the trial (2 respondents), about the subpoena (1 respondent), whether they had to go to court (1 respondent), about court procedures (1 respondent), and about the release of the accused (1 respondent).

The 1987 survey combined the two questions noted above into one. Respondents were asked whether, between the time of the incident and the court date, they had asked anyone in the justice system questions about the subpoena or about attendance at court. Respondents were provided with a list of kinds of questions and were asked to check all appropriate responses and to add any others. Thirty-eight of the 85 witnesses (45%) asked questions as follows: whether required to testify (23 responses); about court procedures (21 responses); about the subpoena and what it meant (15 responses); about payment for court attendance/travel expenses (4 responses); whether the accused would be able to identify the respondent (3 responses); whether the trial date could be changed (2 responses); and whether the trial would be cancelled (1 response). Thus, types of questions asked by witnesses in 1983 and 1987 tended to be quite similar.

In both the 1983 surveys and the 1987 surveys, the primary contact for witnesses prior to the court date was the police, although three witnesses from each survey contacted the Crown prosecutor. Witnesses were asked about ease of contact with criminal justice personnel; no 1983 witnesses and one 1987 witness experienced problems in this regard.

Reception at Court

Only 40% of witnesses in 1983 and 35% of witnesses in 1987 spoke with anyone upon arriving at court before the trial began. If they did, they were more likely to talk to the police (19 witnesses) than the Crown (9 witnesses) in 1987. In 1983, more witnesses contacted a Crown Prosecutor (16) than a police officer (15).

Trial Experience

Those respondents who appeared in court in 1983 testified 65% of the time on the date they were requested to appear while only 37% did so in 1987. The major reason for the 1987 witnesses failing to testify was that the defendant changed his plea to guilty in 27 cases. As well, 9 witnesses were not needed. The majority (62 or 78%) of 1987 witnesses spent a half day or less at court compared to 54 (68%) 1983 witnesses. Some (14 witnesses or 18%) had to return to court a second time in 1987, as was the case in 1983 (17 witnesses or 23%). Of those 17 1983 witnesses who had to go to court again, 12 were given an explanation about why they were required to attend again. The results for 1987 witnesses were slightly better as 11 of 14 received an explanation as to why they had to appear again.

Practical Needs

Witnesses were asked whether they had specific problems with court attendance. The 1987 witnesses identified the following problems: feeling scared (52%), feeling confused (31%), waiting a long time before testifying (28%), waiting in the same area as accused (23%), arranging transportation (15%), getting time off work (14%), finding parking (14%), finding the courtroom (14%) and child care (4%).

Clearly, the major problems with court attendance were the emotional reactions of fear and confusion associated with being in court. Unfortunately, 1983 witnesses were not asked direct questions as to whether they felt scared and/or confused. Otherwise, witnesses in the 1983 survey reported approximately the same problems as the 1987 survey.

Information Needs

Witnesses were questioned as to whether or not more information on court procedures would have been helpful. In both 1983 and 1987 approximately one out of every 3 witnesses expressed a need for more information. It is interesting to note that because the Guide for Witnesses has not been consistently distributed, there is still an information gap according to 34% of the witnesses. Explanation of court procedures (10 responses) and briefing on how to testify (6 responses) were identified as information needs.

In addition, 22 1987 witnesses commented on their experience as a Crown witness. While these comments varied widely, most concerned having to wait a long time before testifying, the need for a separate waiting area and more information from or contact with the Crown attorney.

Another information need is the outcome of the case. In 1983, 7% of witnesses did not know if the case had been completed compared to 15% in 1987. This would seem to suggest there is a need to communicate the outcome of the case to the witness given their time, effort and expense in testifying.

Witnesses were also asked their perception of the sentence of the convicted. In total, 55 of the 85 1987 witnesses and 56 of the 1983 witnesses were aware that the case had resulted in conviction at the time they completed the survey. The majority (27 or 51%) of 1987 witnesses thought the sentence was about right but 23 (43%) witnesses said it was too light. Only 3 (6%) witnesses felt it was too harsh. This corresponds closely to the opinions of 1983 witnesses as 25 (45%) concluded the sentence was about right, 20 (36%) thought it too light and 5 (9%) felt it was too harsh. (Six witnesses did not offer an opinion.)

4. SUMMARY & CONCLUSIONS

The following summarizes the analysis of the 1983 and 1987 surveys of Crown witnesses:

* Twenty-three of the 85 witnesses (27%) in the 1987 survey and 18 of the 81 witnesses (22%) in the 1983 survey were the victims of the crime in question.

* The Guide for Witnesses prepared by the P.E.I. Committee on Victims of Crime and Community Legal Information Association in 1985 was not consistently being attached to subpoenas at the time of the 1987 survey.

* Witness fees have been increased and standardized across the province so that most 1987 witnesses found that the

witness fee was sufficient to cover their costs.

- Most 1987 witnesses received their subpoenas more quickly than 1983 witnesses but waited longer between the subpoena and the court date.

- Questions most commonly asked by witnesses of justice personnel (generally the police) before the court date concerned whether they would have to attend court and/or testify, about the subpoena, and about court procedures.

- The majority of witnesses in both surveys spent a half day or less at court.

- Approximately 20% of the witnesses in both surveys had to return to court a second time and most were given an explanation about why they had to attend again.

- The most common problems associated with court attendance were feelings of fear and/or confusion, a long wait before testifying, and waiting in the same area as the accused.

- In both the 1983 and 1987 surveys, approximately one-third of the witnesses expressed a need for more information, in particular an explanation of court procedures and a briefing on how to testify.

- For cases resulting in conviction, most witnesses in both surveys agreed with the sentence which was imposed.

VI. CONCLUSIONS & IMPLICATIONS

A. Overview of Committee's Work

1. SUMMARY OF ACHIEVEMENTS

Some procedural and policy changes recommended in the Study for the Planning of Victim Assistance Services on P.E.I. occurred prior to or independently of the Committee's work. These include: police identifying wife assault cases separately from other assaults; Social Services initiating a policy of providing transportation to Anderson House; and the policy of police laying charges in wife assault cases.

As this report documents, the P.E.I. Committee on Victims of Crime accomplished many tasks during its three years of existence. Policy and procedural changes initiated by the Committee include: improvements in the disbursement of payments and information to victims regarding restitution; implementing policy guidelines for photographing evidence and returning recovered property to victims; priorizing court cases involving victims, particularly victims of violent crime; and the adoption of a standard witness fee structure across the province.

In addition to initiating policy and procedural changes, the P.E.I. Committee on Victims of Crime developed materials designed to assist victims/witnesses, including police cards, the Directory of Services for Victims of Crime, and the "Guide for Witnesses." The Committee worked in conjunction with Community Legal Information Association to develop and distribute the services directory and witness brochure.

On a less tangible level, the work of the P.E.I. Committee on Victims of Crime contributed to an increased awareness of victims' rights and needs on the part of criminal justice personnel, service providers, and the general public. This was accomplished through an ongoing process of consultation and communication. Highlights of this process included: the series of public workshops held across P.E.I. during the spring of 1986; the Consultation with Senior Justice Personnel in November, 1986; media interviews, and presentations on victims' issues at various meetings, workshops, forums, lecture series, etc., by several members of the Victims Committee.

2. WORK STILL IN PROGRESS

Many of the tasks not fully completed by the Victims Committee are part of the proposed Victim Assistance Programme. These include: developing and administering a Criminal Injuries Compensation programme; improving provision of case progress information to victims and court-related information to victims/witnesses; ensuring that changes initiated by the Victims Committee are carried out, e.g. that witness brochures are attached to subpoenas; encouraging police to distribute police cards, use the Directory of Services to refer victims to needed services, and distribute the "What Battered Women Should Know About the Law" brochure; encouraging and making referrals to Turning Point and other agencies as needed; and improving communications between court levels when victims of wife assault are dealing with both Provincial Court and Family Court.

Recommendation #20 (police training) is under consideration by the P.E.I. Association of Chiefs of Police. Other matters not completed, e.g. review of legal aid, protection for wife assault victims, and consistent application of the police charging policy in wife assault cases, have been referred to the P.E.I. Minister of Justice for further action.

3. POSITIVE FACTORS

Committed people and good process are two essential factors that contributed to the achievements of the P.E.I. Committee on Victims of Crime. Critical to the Committee's success was the commitment of key people on the Committee and in government to initiate changes for the benefit of crime victims. The management and planning abilities of some Committee members helped in organizing the tasks at hand, particularly in the early stages of the Committee's work. Each member of the Committee brought information and a perspective based on his/her work experience and position and, when appropriate, used that position to implement new practices and procedures.

The process used by the Victims Committee maximized input from other criminal justice personnel, community groups and the general public. A conscious effort was made, through meetings, workshops, and consultations, to bring in ideas and information and to build awareness about victims' needs and rights.

Although the Committee was primarily task-oriented in accordance with its mandate, meeting agendas allowed time for open discussion of attitudes and opinions. Because of the wide range of perspectives represented on the Committee, it was important that Committee members were able to agree to disagree at times. Informality of the meetings, particularly breaking for lunch together, helped to break down barriers which could potentially have been disruptive.

The process of implementing recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. often meant refining and revising the recommendations. As more information came forward and the issues around a particular recommendation were studied, the Committee sometimes decided to take different action from that suggested in the original recommendation. Recommendation #1 is an example: the recommendation suggested that restitution be ordered and enforced whenever possible. Further research indicated that restitution was being ordered and enforced at acceptable levels, but that disbursement methods and information to victims could be improved. The Committee then took action based on this additional information.

The Committee's decision to begin with concrete tasks first, then deal with more complex matters later, was a wise one because completion of some tasks gave the Committee a sense of accomplishment. The use of sub-committees for specific tasks was extremely important to this process.

As the Committee continued with its work, periodic review was helpful in assessing those tasks which had been completed and those which still required further discussion and action. The working pages were a valuable aid for this periodic review and updating.

Throughout its duration, the Victims Committee was always conscious of the province-wide scope of its activities. Because the province includes five court jurisdictions and eleven police detachments/departments, the Committee's work was much more complex than it would have been if dealing with only one court jurisdiction and one police force. Nevertheless, the Committee attempted to ensure that new policies and procedures were communicated to all personnel affected and also attempted to standardize some practices province-wide, e.g. the witness fee structure and disbursement of restitution payments.

The Victims Committee avoided working in isolation from related activities across the country. It attempted to glean what it could from the experiences of other areas and apply this learning to its work. The process of seeing its activities as part of the larger scheme of things was assisted by three factors: 1) the involvement of some Victims Committee members (Phil Arbing, Julie Dodd, and Linda Trenton) on sub-committees of the Federal/Provincial Working Group on Victims of Crime; 2) the input of representatives of the Consultation Centre (Atlantic) and the Programs Branch, Solicitor General Canada; and 3) a meeting and discussion (particularly regarding criminal injuries compensation) with representatives of the Federal Department of Justice.

4. DIFFICULTIES ENCOUNTERED

In hindsight, the activities and strategies adopted by the P.E.I. Committee on Victims of Crime seem to have evolved in a logical sequence. Yet, the Committee operated in an open-ended manner, with no time-frame and no deadline for tasks to be completed, although suggestions of what could be done were discussed at early meetings. This lack of a definite end in sight, coupled with turnover in the Committee's membership, may have contributed to decreasing meeting attendance and a seeming loss of momentum during the last year of the Committee's work.

Another factor which caused some frustration to the Committee was that, while it could initiate procedural or policy changes, there was no mechanism in place to ensure that the changes worked their way down through the system. What happened with the witness brochure, for instance, is an example of a breakdown in communication somewhere along the line. Considerable effort was put into producing the "Guide for Witnesses" and, as far as the Committee knew, the distribution process was in place. However, one year later the witness survey indicated that the brochures were attached to subpoenas in only a small percentage (8%) of cases. The Committee's work might have been more productive and less frustrating if staff had been assigned to assist with implementing recommendations and to serve a "watchdog" function. This would have ensured that changes initiated by the Committee were carried out.

B. Overview of Research Findings

Research conducted during the monitoring and evaluation study provided a means of assessing the extent to which some recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. were put into practice on P.E.I. The surveys of general victims, wife assault victims, sexual assault victims, commercial/institutional victims, and witnesses provided useful information about the progress made in some areas and the need for further efforts in other areas.

The research indicates that the practice of using photographs as evidence whenever possible and promptly returning victims' property is now in effect by police across P.E.I. Findings regarding crime prevention, both in terms of police providing information to victims and victims taking crime prevention measures, reveal the commitment and effort police have put into crime prevention in recent years. Findings from the wife assault surveys indicate several improvements in police practices since 1983, including identifying and counting cases of wife assault separately from other assaults, laying charges, in some cases removing the assailant rather than the victim and children from the home, and ensuring that the victim has transportation to Anderson House when needed.

The police on P.E.I. have taken a number of measures to improve their assistance to victims of crime. Research findings indicate increased efforts to provide case progress information to victims; however, this matter, identified as the major need of general and commercial/institutional victims, continues to require additional attention. Police referrals to Turning Point and consistent application of the policy of laying charges and removing the assailant from the home when warranted would further improve police assistance to wife assault victims.

Research findings point to positive contributions by other agencies in addition to the police, particularly with regard to wife assault victims. Social workers, counsellors, and the courts are making referrals to Turning Point when appropriate and the staff Crown Prosecutors are providing helpful assistance to wife assault victims during the court process. The policy of the Department of Health & Social Services to provide transportation to Anderson House has addressed one need of wife assault victims, while that department's improved funding ensures that Anderson House will continue to serve victims of wife assault.

As indicated previously, those recommendations which have not been fully implemented to date are being addressed by the proposed Victim Assistance Programme.

C. Guidelines for Future Efforts

The following guidelines, based on the experience of the P.E.I. Committee on Victims of Crime, may be of assistance to others attempting to initiate improvements for crime victims by using a co-ordinating committee approach.

- Most of the recommendations contained in the Study for the Planning of Victim Assistance Services for P.E.I. are general enough to be used as a starting point for other localities interested in improving the criminal justice system response to victims of crime. A co-ordinating committee could investigate the local situation concerning each recommendation, incorporate any additional concerns which come to light during this research, modify the recommendations to suit the local situation, and then decide how best to approach the needed changes.

- The initial research to assess the local situation does not need to be an elaborate undertaking. All that is required is a straightforward fact-finding effort. Discussion among Committee members should provide some information about policies and procedures as well as a sense of additional questions that need to be asked. A search of court and/or police records for statistics around particular questions (e.g. ordering and enforcing restitution, charging practices in wife assault cases), interviews with key informants (police, judges, Crown attorneys, court clerks), and possibly brief victim/witness surveys, should yield sufficient information to enable the committee to establish priorities and a plan of action.

- The committee should realistically assess the staff resources necessary to provide: executive assistance to the committee (including taking minutes, arranging meetings, writing letters, etc.); research as noted above and additional information about policies and procedures in other localities; public relations, including media interviews and presentations to other groups upon request; assistance with initiating changes and following through with the appropriate personnel to ensure that the changes are carried out; and assistance with assessing available resources, co-ordinating services to victims of crime, and filling any gaps in services identified through this process.

- It is best to keep the co-ordinating committee to a manageable size (the suggested range is 10-18 members). Representation should be invited from all components of the criminal justice system (police, judiciary, court clerks, Crown attorneys, probation, etc.) and from key government and community agencies which represent the interests of the different types of crime victims. Non-involvement of any of the criminal justice components or key agencies can mean that a valuable perspective and source of information will be missing. Committee members, particularly the Chair, should be in positions of authority so that they can ensure that suggested changes are implemented. Geographic representation may be an additional factor to consider.

- The committee's mandate, terms of reference, and reporting function should be clearly stated and should be understood by all committee members. Establishment of the committee by an elected official such as the Minister of Justice provides legitimacy and authority to the committee's work, as well as ensuring the government's co-operation in and commitment to the change process.

- Although the co-ordinating committee will be primarily task-oriented, group process will be important to its functioning. Meeting agendas should allow sufficient time for open discussion of issues that arise. Small group discussions and an informal atmosphere help to set a positive tone, especially when Committee members represent diverse interests and perspectives.

- As soon as the committee has completed its investigation of the local situation vis a vis the list of recommendations, it should establish a work plan and time frame for carrying out its tasks. The work plan and time frame should be periodically reviewed and updated so that the committee can assess its progress. Working pages, such as those used by the P.E.I. Committee on Victims of Crime, may be helpful to this process.

- Sub-committees, formed to work on specific tasks, are a definite asset. These sub-committees should report regularly to the co-ordinating committee.

- A core group, consisting of at least the Chair and staff person(s), should be prepared to assist and guide the work of the co-ordinating committee by planning agendas, providing background information, putting forward suggestions, etc.

- Changes take time, commitment, and a spirit of co-operation. When dealing with many matters at once, each affecting the broad spectrum of crime victims to varying degrees, the committee will need to maintain a perspective that each change, in and by itself, may not have a major impact. However, the cumulative effect, over time, of many changes to benefit crime victims should make the effort worthwhile.

D. Concluding Comments

The work of the P.E.I. Committee on Victims of Crime is part of a process which began with the Study for the Planning of Victim Assistance Services on P.E.I. and will continue with the development of the proposed Victim Assistance Programme. Through the process of examining the criminal justice system's response to victims of crime, implementing changes where possible, and pin-pointing additional improvements needed, the Victims Committee has laid the groundwork for further efforts. This extensive planning process should contribute substantially to the effectiveness of the Victim Assistance Programme. Any assessment of the committee's work must view it within this larger context and recognize that the full impact of changes initiated by the Victims Committee may not be realized for some time.

This report demonstrates that the Victims Committee has shown commitment, persistence, and flexibility as it proceeded with the tasks at hand. For the most part, the P.E.I. Committee on Victims of Crime accomplished what it set out to do for the benefit of crime victims on P.E.I.

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APPENDIX "A"

P.E.I. COMMITTEE ON VICTIMS OF CRIME

July, 1984 - June, 1987

Phil Arbing	Chair Department of Justice P.O. Box 2000 Charlottetown, P.E.I. C1A 7N8	368-4558
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Jim Clarke/Bob Kempton	Atlantic Police Academy 295 Grafton Street Charlottetown, P.E.I. C1A 8W4	566-9610
Joe Coady/Donna Waddell	Federation of P.E.I. Municipalities c/o City Hall P.O. Box 98 Charlottetown, P.E.I. C1A 7K2	894-5552
Ellie Reddin Conway	Victims Researcher Department of Justice P.O. Box 2000 Charlottetown, P.E.I. C1A 7N8	368-4584
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Jill Lightwood/Joanne Ings/ Patti Seres	Interagency Committee on Domestic Violence c/o Transition House Assn. 81 Prince St. Charlottetown, P.E.I. C1A 4R3	892-3790

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W.J.R. Macdonald	P.E.I. Association of Chiefs of Police Summerside Police Dept. 270 Foundry Street Summerside, P.E.I. C1N 1G1	436-9222
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